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9 *Attorneys for Plaintiff W.H. Breshears, Inc.*

6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF CALIFORNIA
8 FRESNO DIVISION

9 W.H. Breshears, Inc.

10 *Plaintiff,*

11 v.

12 Delaware North Companies Parks and Resorts at
13 Yosemite, Inc. and Does 1-10

14 *Defendants.*

15 Delaware North Companies Parks And Resorts At
16 Yosemite, Inc.,

17 *Counter-claimant,*

18 v.

19 W.H. Breshears, Inc.,
20
21
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CASE NO. 1:16-cv-01129-AWI-SAB

**Stipulation and Order to Continue
Initial Scheduling Conference**

23 The parties to this action hereby stipulate and request that the Initial Scheduling
24 Conference set for October 3, 2016, be continued for the reasons set forth herein.

25 The plaintiff has filed a motion to remand the entire action back to the state court. The
26 plaintiff's motion is scheduled to be heard on October 11, 2016. Delaware North agreed to
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28

1 continue the initial scheduling conference at Plaintiff's request and as a professional courtesy to
2 Plaintiff. Delaware North is confident this action was properly removed to this Court.

3 In order to conserve the Court's time and resources in holding a scheduling conference
4 where venue is not yet settled, the parties respectfully request the Court continue the Initial
5 Scheduling Conference until after the October 11, 2016 hearing date currently scheduled for
6 plaintiff's motion to remand.

7 Respectfully submitted:

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9 Dated: September 20, 2016

ZUMWALT LAW FIRM, LLP

10
11 By: /s/ Graham Scott

Graham Scott

12 Attorneys for Plaintiff/Counter-Defendant W.H.
13 Breshears, Inc.

14 Dated: September 20, 2016

DAVIS WRIGHT TREMAINE LLP

15 By: /s/ Mary McNeill

Mary McNeill

16 Attorneys for Defendant/Counter-Claimant
17 Delaware North Companies Parks and
18 Resorts at Yosemite, Inc.

ORDER

19 Good cause appearing, IT IS HEREBY ORDERED that the Scheduling Conference is
20 continued to November 28, 2016 at 10:00 a.m. in Courtroom 9 before Magistrate Judge Stanley
21 A. Boone. A joint scheduling report is due one week before the new conference date.
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23 IT IS SO ORDERED.

24 Dated: September 21, 2016

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26 _____
27 UNITED STATES MAGISTRATE JUDGE
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