

1 Tanya E. Moore, SBN 206683  
Zachary M. Best, SBN 166035  
2 MOORE LAW FIRM, P.C.  
332 North Second Street  
3 San Jose, California 95112  
Telephone (408) 298-2000  
4 Facsimile (408) 298-6046  
Email: service@moorelawfirm.com

5 Attorneys for Plaintiff  
6 Jose Acosta

7  
8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11  
12 JOSE ACOSTA, ) No. 1:16-cv-01150-LJO-SAB  
13 Plaintiff, )  
14 vs. ) **STIPULATION FOR FURTHER**  
15 FAST N ESY II, INC., et al., ) **CONTINUANCE OF MANDATORY**  
16 Defendants. ) **SCHEDULING CONFERENCE; ORDER**  
17 )  
18 )

19 WHEREAS, a Mandatory Scheduling Conference in this action is currently set for  
20 December 14, 2016, pursuant to the Court's Order dated October 18, 2016 (Dkt. 10);

21 WHEREAS, Defendants, Fast N Esy II, Inc. dba Fast N Esy #21, Vinay Vohra, and  
22 Vikram Vohra ("Defendants," and together with Plaintiff Jose Acosta, "the Parties"), have filed  
23 a Motion to Dismiss Complaint for Lack of Subject Matter Jurisdiction (Dkt. 16; the "Second  
24 Motion"), which is set for hearing on December 29, 2016;

25 WHEREAS, the Parties are, concurrently with this stipulation, filing a stipulation to  
26 continue the hearing on the Second Motion to January 5, 2017;

27 WHEREAS, the Court previously continued the Scheduling Conference to the current  
28 date pursuant to the Parties stipulation, pending the resolution of Defendants' First Motion to

1 Dismiss and/or to Strike and/or for a More Definite Statement, which was heard on November  
2 7, 2016 and which was denied (Dkt. 15);

3 WHEREAS, the Parties wish to conserve Court resources which might be expended  
4 unnecessarily if the Scheduling Conference were to be held prior to Defendants' Second Motion  
5 in the event Plaintiff's claims are dismissed or amended as a result of the Second Motion;

6 NOW, THEREFORE, the Parties, by and through their respective counsel, stipulate to a  
7 further continuance of the Mandatory Scheduling Conference currently set for December 14,  
8 2016 to a date at the Court's convenience on or after January 30, 2017, to allow time for  
9 Defendants' motion to be heard and ruled upon by the Court.

10

11 Dated: November 30, 2016

MOORE LAW FIRM, P.C.

12

13

/s/ Zachary M. Best  
Zachary M. Best  
Attorneys for Plaintiff,  
Jose Acosta

14

15

16

17

Dated: November 30, 2016

THORNTON DAVIDSON, P.C.

18

19

/s/ Thornton Davidson  
Thornton Davidson  
Attorney for Defendants,  
Fast N Esy II, Inc. dba Fast N Esy #21,  
Vinay Vohra, and Vikram Vohra

20

21

22

23

24

25

26

27

28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

The parties having so stipulated and good cause appearing,

IT IS HEREBY ORDERED that the Mandatory Scheduling Conference currently set for December 13, 2016 is continued to January 24, 2017 at 9:30 a.m. before Magistrate Judge Stanley A. Boone. The parties are to file their Joint Scheduling Report no later than seven days prior to the conference.

IT IS SO ORDERED.

Dated: November 30, 2016



UNITED STATES MAGISTRATE JUDGE