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CLOVIS UNIFIED SCHOOL DISTRICT

8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

11 J.S., a minor, by and with her parents,
ALBERTO SOLORIO and ALICIA SOLORIO,

12 Plaintiffs,

13 vs.

14 CLOVIS UNIFIED SCHOOL DISTRICT

15 District.

Case No. 1:16-cv-01319-LJO-BAM

**PARTIES' JOINT STIPULATION RE:
EXTENSION OF BRIEFING SCHEDULE
AND SUPPORTING DECLARATION OF
S. SIMMONS; AND ORDER**

Hearing Date: June 8, 2017

Time: 8:30 a.m.

Courtroom: 4 (LJO)

LOZANO SMITH
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TO THE HONORABLE COURT: IT IS HEREBY STIPULATED, pursuant to Local Rules 143 and 144, by and between PLAINTIFF J.S. (“Plaintiff”), through her counsel of record, and DEFENDANT Clovis Unified School District (“District,” and referred to with Plaintiffs as, “Parties”), through its counsel of record, as follows:

1. Consistent with the dates and scheduled proposed by the Parties, on December 16, 2016, the Court issued its Scheduling Conference Order in this matter, setting the following briefing and hearing schedule: (1) Plaintiff’s Opening Brief due March 16, 2017; (2) the District’s Opposition Brief due April 18, 2017; (3) the Plaintiff’s Reply Brief due May 4, 2017; and (4) the hearing on the briefing for June 8, 2017.

2. Plaintiff’s Opening Brief was filed on March 20, 2017, four (4) days beyond the March 16, 2017 briefing deadline for same in the Court’s Scheduling Conference Order.

3. On March 20, 2017, the District’s counsel requested via email, confirmation from Plaintiff’s counsel that she would be agreeable to a short extension of the District’s April 18, 2017 Opposition Brief deadline, in light of the delay in Plaintiffs’ filing of the Opening Brief, if the District’s counsel determined that additional time was necessary. Plaintiffs’ counsel confirmed agreement to this proposition.

4. As of today’s date, April 14, 2017, the District’s counsel determined that a short extension of additional time is necessary to complete the District’s Opposition Brief for filing.

5. The Parties agree that based upon the foregoing, the deadline for District’s Opposition Brief should be extended three (3) days, to April 21, 2017.

6. There has been no previous modification or requests for modification to the proposed briefing and hearing schedule in this matter.

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7. Accordingly, the Parties request approval by the Court this agreed-upon modification to the briefing schedule.

Dated: April 14, 2017

Respectfully submitted,

STUDENT RIGHTS ATTORNEYS

/s/ Deborah L. Pepaj*
DEBORAH L. PEPAJ
Attorney for Plaintiffs
J.S., a minor, by and with her parents,
ALBERTO SOLORIO and ALICIA SOLORIO

Dated: April 14, 2017

Respectfully submitted,

LOZANO SMITH

/s/ Sloan R. Simmons
SLOAN R. SIMMONS
KRISTY BOYES
Attorneys for Defendant
CLOVIS UNIFIED SCHOOL DISTRICT

***Attestation: The filer of this document attests that the concurrence of the other signatories thereto has been obtained.**

1 **DECLARATION OF SLOAN SIMMONS IN SUPPORT OF STIPULATION**

2 I, SLOAN R. SIMMONS, declare as follows:

3 1. I am an attorney at law duly licensed to practice before all courts in the State of
4 California, as well as before this and other courts, am a partner with the law firm of Lozano Smith,
5 counsel of record for Defendant Clovis Unified School District (“District”), and one of the attorneys
6 primarily responsible for handling this matter on behalf of the District. I have personal knowledge of
7 the matters contained within this Declaration and, if I am called upon to testify as to the truth of the
8 statements made herein, I could and would competently testify hereto.

9 2. This Declaration is submitted pursuant to the Court’s Scheduling Conference Order,
10 section 5, and in support of the foregoing Joint Stipulation Re: Extension of Briefing Schedule.

11 3. Consistent with the dates and scheduled proposed by the Parties, on December 16, 2016,
12 the Court issued its Scheduling Conference Order in this matter, setting the following briefing and
13 hearing schedule: (1) Plaintiff’s Opening Brief due March 16, 2017; (2) the District’s Opposition Brief
14 due April 18, 2017; (3) the Plaintiff’s Reply Brief due May 4, 2017; and (4) the hearing on the briefing
15 for June 8, 2017.

16 4. Plaintiff’s Opening Brief was filed on March 20, 2017, four (4) days beyond the March
17 16, 2017 briefing deadline for same in the Court’s Scheduling Conference Order. *See* ECF Docket No.
18 16.

19 5. On March 20, 2017, the District’s counsel requested via email, confirmation from
20 Plaintiff’s counsel that she would be agreeable to a short extension of the District’s April 18, 2017
21 Opposition Brief deadline, in light of the delay in Plaintiffs’ filing of the Opening Brief, if the District’s
22 counsel determined that additional time was necessary. Plaintiffs’ counsel confirmed agreement to this
23 proposition. A true and correct copy of said email is attached hereto as Exhibit “A” and incorporated by
24 reference.

25 6. As of today’s date, April 14, 2017, the District’s counsel determined that a short
26 extension of additional time is necessary to complete the District’s Opposition Brief for filing. The

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Parties met and conferred on this issue via email, and agreed that the deadline for District’s Opposition Brief should be extended three (3) days, to April 21, 2017.

7. There has been no previous modification or requests for modification to the proposed briefing and hearing schedule in this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this Declaration was executed on April 14, 2017, at Sacramento, California.

SLOAN R. SIMMONS

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ORDER

Based upon the foregoing Stipulation between the Parties, and the supporting declaration of Sloan R. Simmons, and GOOD CAUSE APPEARING THEREFORE:

The Court hereby orders the deadline for the District’s Opposition Brief is extended to April 21, 2017.

IT IS SO ORDERED.

Dated: April 17, 2017

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE