

1 LAWRENCE W. FREIMAN, Bar No. 288917
MICHAEL J. FREIMAN, Bar No. 280716
2 FREIMAN LAW
1000 Wilshire Blvd.
3 Suite 700
Santa Monica, CA 90401
4 Telephone: 310.917.1024
Fax No.: 888.835.8511
5 Lawrence@freimanlaw.com
Michael@freimanlaw.com

6 Attorneys for Plaintiff
7 IRA BENAVIDES

8 GREGORY G. ISKANDER, Bar No. 200215
MAIKO NAKARAI-KANIVAS, Bar No. 271710
9 LITTLER MENDELSON, P.C.
1255 Treat Boulevard
10 Suite 600
Walnut Creek, CA 94597
11 Telephone: 925.932.2468
Fax No.: 925.946.9809
12 giskander@littler.com
mnakarai@littler.com

13 Attorneys for Defendants
14 CVS PHARMACY, INC.; CVS RX SERVICES, INC.;
LONGS DRUG STORES CALIFORNIA, L.L.C.;
15 GARFIELD BEACH CVS, L.L.C.; and CVS HEALTH
CORPORATION
16

17 UNITED STATES DISTRICT COURT
18 EASTERN DISTRICT OF CALIFORNIA

19 IRA BENAVIDES,
20 Plaintiff,
21 v.

22 CVS PHARMACY, INC.; CVS RX
SERVICES, INC.; LONGS DRUG STORES
23 CALIFORNIA, L.L.C.; LONGS DRUG
STORES CALIFORNIA, INC.; GARFIELD
24 BEACH CVS, L.L.C.; CVS HEALTH CORP.;
and DOES 1 through 20, inclusive,
25 Defendants.
26

Case No. 1:16-CV-1546-SAB

**JOINT STIPULATION AND ORDER TO
CONTINUE INITIAL SCHEDULING
CONFERENCE**

Complaint Filed: August 19, 2016
FAC Filed: November 2, 2016

Scheduling Conference
Date: December 20, 2016
Time: 9:00 a.m.
Courtroom: 9 (6th Floor)

1 Plaintiff IRA BENAVIDES (“Plaintiff”) and Defendants CVS PHARMACY, INC.,
2 LONGS DRUG STORES CALIFORNIA, L.L.C., LONGS DRUG STORES, L.L.C., GARFIELD
3 BEACH CVS, L.L.C., and CVS HEALTH CORPORATION (collectively, “Defendants”), by and
4 through their counsel of record herein, hereby stipulate and agree as follows:

5 WHEREAS, Plaintiff filed a Complaint against Defendants CVS Pharmacy, Inc.,
6 CVS RX Services, Inc., Longs Drug Stores California, L.L.C., Longs Drug Stores California, Inc.,
7 Garfield Beach CVS, L.L.C. and CVS Health Corporation on August 19, 2016, in the Superior Court
8 of California for the County of Fresno;

9 WHEREAS, Defendants filed a Notice of Removal and removed the case to the
10 United States District Court for the Eastern District of California on October 13, 2016;

11 WHEREAS, Plaintiff filed a First Amended Complaint (“FAC”) against Defendants
12 CVS Pharmacy, Inc., Longs Drug Stores California, L.L.C., Longs Drug Stores, L.L.C., Garfield
13 Beach CVS, L.L.C. and CVS Health Corporation on November 2, 2016;

14 WHEREAS, Defendants filed their Answer to the FAC on November 17, 2016;

15 WHEREAS, the case is set for an Initial Scheduling Conference before Magistrate
16 Judge Boone on December 20, 2016 at 9:00 a.m.;

17 WHEREAS, lead trial counsel for Defendants is unavailable from December 15, 2016
18 to December 28, 2016 due to pre-existing travel plans;

19 WHEREAS, the Parties agree to a short continuance of the Initial Scheduling
20 Conference to allow lead trial counsel for Defendants to attend the Conference.

21 NOW, THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE, that
22 the Initial Scheduling Conference shall be continued from December 20, 2016, to a date that is
23 convenient for the Court that is on or after December 29, 2016.¹

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28 ¹ For scheduling purposes, Defendants note that lead trial counsel is in court and/or trial and
unavailable on the following dates in January 2017: January 5, 12-13, 19, and 23-27.

1 **IT IS SO STIPULATED**

2 Dated: December 5, 2016

LITTLER MENDELSON, P.C.

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4
5 /s/ Gregory G. Iskander

6 GREGORY G. ISKANDER
7 MAIKO NAKARAI-KANIVAS
8 Attorneys for Defendants
9 CVS PHARMACY, INC.; CVS RX
10 SERVICES, INC.; LONGS DRUG STORES
11 CALIFORNIA, L.L.C.; GARFIELD BEACH
12 CVS, L.L.C.; and CVS HEALTH
13 CORPORATION

14 Dated: December 5, 2016

FREIMAN LAW

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17 /s/ Lawrence W. Freiman (as authorized on
18 December 5, 2016)

19 LAWRENCE W. FREIMAN
20 MICHAEL J. FREIMAN
21 Attorneys for Plaintiff
22 IRA BENAVIDES

23 **ORDER**

24 Based on the stipulation of the Parties, and for good cause showing, it is hereby
25 ordered that the Initial Scheduling Conference currently scheduled for December 20, 2016 at 9:00
26 a.m. shall be continued to January 11, 2017 at 10 a.m.

27 IT IS SO ORDERED.

28 Dated: December 6, 2016


UNITED STATES MAGISTRATE JUDGE