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7
8 IN THE UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

10 DANIEL KIM, et al.,

11 Plaintiffs,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.

CASE NO. 1:16-CV-01656-LJO-SKO

JOINT MOTION TO CONTINUE SCHEDULING
CONFERENCE AND ORDER

(Doc. 32)

DATE: August 22, 2017

TIME: 10:15 a.m.

COURT: Courtroom 7, 6th Floor

JUDGE: Hon. Sheila K. Oberto

16
17 The parties, plaintiffs Daniel Kim, Grace Kim, Hannah Kim, Francis S. Lee, and Vivian Lee, and
18 defendant the United States of America, by and through their undersigned counsel, respectfully move to
19 continue the scheduling conference and the deadline to file the joint scheduling report.

20 By order of the Court dated June 6, 2017 (ECF 27), the Court continued the deadline for filing
21 the joint scheduling report until August 15, 2017, and continued the initial scheduling conference until
22 August 22, 2017, because the United States' Motion to Dismiss for Lack of Subject Matter Jurisdiction
23 (ECF 19) was pending before the Court.

24 On June 16, 2017, the Court issued an order granting the United States' motion to dismiss. ECF
25 28. The Court gave plaintiffs leave to amend. *See id.* at 16. Plaintiffs thereafter filed a First Amended
26 Complaint. ECF 29. The United States has until August 25, 2017, to respond to the First Amended
27 Complaint. *See* ECF 31. The United States intends to file a motion to dismiss the First Amended
28 Complaint. To permit the Court sufficient time to address the anticipated motion to dismiss, the parties

1 jointly stipulate and move the Court for an order continuing the initial scheduling conference 90 days, to
2 November 20, 2017, or such other date as may be convenient for the Court, with the joint scheduling
3 report to be filed one week prior to the scheduling conference.

4 Respectfully submitted,

5 Dated: August 8, 2017

PHILLIP A. TALBERT
United States Attorney

7 By: /s/ Philip A. Scarborough
8 PHILIP A. SCARBOROUGH
Assistant United States Attorney
9 Attorneys for the United States of America

10 Dated: August 9, 2017

GIRARDI KEESE

11 By: /s/ Kelly C. Winter
12 KELLY CHRISTINA WINTER
Attorneys for Plaintiff

13 **ORDER**

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15 Good cause appearing, the parties' above stipulated request to continue the initial scheduling
16 conference (Doc. 32) is GRANTED. The scheduling conference currently set for August 22, 2017, at
17 10:15 a.m., is continued to November 21, 2017, at 9:30 a.m. in Courtroom 7 before Magistrate Judge
18 Sheila K. Oberto.¹ The parties shall file their joint scheduling report no later than November 14, 2017.

19
20 IT IS SO ORDERED.

21 Dated: August 10, 2017

/s/ Sheila K. Oberto
22 UNITED STATES MAGISTRATE JUDGE

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27 ¹ The parties requested to reset the scheduling conference on Monday, November 20, 2017, but since Magistrate
28 Judge Oberto conducts scheduling conferences on Tuesdays and Thursdays, the date has been adjusted to the following
Tuesday.