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17 **UNITED STATES DISTRICT COURT**
18 **EASTERN DISTRICT OF CALIFORNIA**

19 U.S. EQUAL EMPLOYMENT) Case No.: 1:17-cv-00044-AWI-EPG
20 OPPORTUNITY COMMISSION,)
21 Plaintiff,) **JOINT STIPULATION TO CONTINUE**
22 vs.) **MANDATORY SCHEDULING**
23 MARQUEZ BROTHERS INTERNATIONAL,) **CONFERENCE AND RELATED DATES**
24 INC., MARQUEZ BROTHERS) **AND INITIAL DISCLOSURE**
25 ENTERPRISES, INC.,) **OBLIGATIONS; ORDER**
26 MARQUEZ BROTHERS FOODS, INC.,)
27 MARQUEZ BROTHERS SOUTHERN)
28 CALIFORNIA, INC., MARQUEZ)
BROTHERS NEVADA, INC., MARQUEZ)
BROTHERS TEXAS I, INC., AND DOES 1-)
10, INCLUSIVE)
Defendant(s).)

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8 Attorneys for Defendants
9 Marquez Brothers International, Inc.,
10 Marquez Brothers Enterprises, Inc.,
11 Marquez Brothers Foods, Inc.,
12 Marquez Brothers Southern Cal., Inc.,
13 Marquez Brothers Nevada, Inc., and
14 Marquez Brothers Texas I, Inc.

1 Plaintiff Equal Employment Opportunity Commission (“EEOC”) and Defendants
2 Marquez Brothers International, Inc., Marquez Brothers Enterprises, Inc., Marquez Brothers
3 Foods, Inc., Marquez Brothers Southern California, Inc., Marquez Brothers Nevada, Inc., and
4 Marquez Brothers Texas I, Inc. (“Defendants”, collectively, the “Parties”) by and through their
5 counsel of record stipulate as follows to continue the Mandatory Scheduling Conference,
6 currently scheduled for October 2, 2017 at 9:30 a.m.:

7 1. On January 11, 2017, Plaintiff EEOC filed its Complaint alleging Defendants
8 violated Title VII of the Civil Rights Act, 42 U.S.C. § 2000e *et seq.*, by engaging in unlawful
9 employment hiring practices based on race and by failing or refusing to make, preserve, and
10 produce the required records and reports. (Complaint, ECF No. 1). Before any of the
11 Defendants filed a response to the Complaint, Plaintiff filed on February 28, 2017 its First
12 Amended Complaint. (First Amended Complaint, ECF No. 5).

13 2. On January 11, 2017, the Court issued its order setting the Mandatory
14 Scheduling Conference on April 11, 2017 at 9:00 a.m. (Sch. Conf. Order 1, ECF No. 1). The
15 Court also ordered the Parties to file a Joint Scheduling Report one full week prior to the
16 Scheduling Conference. (*Id.* at 3). The Court further ordered the Parties to hold a conference of
17 counsel at least twenty days prior to the Mandatory Scheduling Conference. (*Id.*).

18 3. On April 19, 2017, Defendants filed their Motion to Dismiss Plaintiff’s First
19 Amended Complaint. (Defs. Mot. to Dismiss, ECF No. 17). All briefings have been completed.
20 The motion is pending before the Court.

21 4. Upon the Parties’ Stipulation for an Order to continue the Mandatory Scheduling
22 Order to account for the briefing schedule related to Defendants’ Motion to Dismiss, the Court
23 continued the Mandatory Scheduling Conference from April 11, 2017 to October 2, 2017 at
24 9:00 a.m. with telephonic appearances granted. (3/30/17 Order 2, ECF No. 9).

25 5. The Parties believe that discovery, motions, the appropriate scope of initial
26 disclosures, trial-related deadlines, and other issues to be addressed prior to or at the Mandatory
27 Scheduling Conference cannot be readily resolved until Defendants’ Motion to Dismiss is
28 resolved. On August 30, 2017, the Parties had their Rule 26 Meeting of Counsel and had

1 difficulties determining the appropriate discovery deadlines to set without knowing the
2 resolution of Defendants' pending Motion to Dismiss and the nature of Defendants' Answer. In
3 their Motion to Dismiss, Defendants raise a number of arguments seeking both the dismissal of
4 a number of Defendants and, alternatively, to limit the scope of the action to Defendant
5 Marquez Brothers International, Inc.'s Hanford facility. The eventual resolution of Defendants'
6 Motion will bear directly on the scope of remaining litigation and, accordingly, appropriate
7 deadlines for both non-expert and expert discovery, dispositive motions, and trial-related filings.

8 6. Therefore, the Parties stipulate to the proposed order set forth below to continue
9 the Mandatory Scheduling Conference to a date at least fourteen days after pleadings close (i.e.
10 all remaining Defendants have answered the operative complaint). This continuance would
11 allow the Parties to file a Joint Scheduling Report seven days before the Mandatory Scheduling
12 Conference with proposed deadlines taking into account up-to-date information as to the scope
13 of the litigation and the nature of the defenses and issues to be litigated. Thus, the resulting
14 Scheduling Order to be determined at the Mandatory Scheduling Conference would more
15 accurately reflect the nature of the litigation before the Court.

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7. For the same reasons as described in the preceding paragraph, the Parties further stipulate that the deadline for serving the initial disclosures shall also be fourteen days after the deadline for the filing of the answer or answers to the operative complaint.

IT IS SO STIPULATED.

Dated: September __, 2017

Respectfully Submitted

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

Derek W. Li

By:

Derek W. Li
EEOC Trial Attorney for Plaintiff EEOC

Dated: September __, 2017

LITTLER MENDELSON, P.C.

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BY:

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Attorneys for Defendants
Marquez Brothers International, Inc.,
Marquez Brothers Enterprises, Inc.,
Marquez Brothers Foods, Inc.,
Marquez Brothers Southern Cal., Inc.,
Marquez Brothers Nevada, Inc., and
Marquez Brothers Texas I, Inc.

ORDER

For good cause shown as stated by the Parties' stipulation, the Court orders that:

1. The Mandatory Scheduling Conference, which is currently scheduled for October 2, 2017 at 9:30 a.m. is vacated and to be continued to a date to be scheduled later that is at least fourteen days after the deadline for the filing of the answer or answers to the operative complaint. Telephone appearances are granted to any party wishing to so appear. To participate telephonically, each party is to use the following dial-in numbers: Dial-in number 1-888-251-2909; Passcode 1024453.
2. The deadline for the service of the initial disclosures shall be fourteen days after the deadline for the filing of the answer or answers to the operative complaint.
3. Within five court days of the Court's issuance of an order on the pending motion to dismiss, the Parties must file a stipulation setting forth proposed dates for the Mandatory Scheduling Conference that are at least fourteen days after the pleadings close.
4. The Parties shall file their Joint Scheduling Report one full week prior to the Mandatory Scheduling Conference.

IT IS SO ORDERED.

Dated: **September 14, 2017**

[S] Eric P. Grosjean

UNITED STATES MAGISTRATE JUDGE