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12 **UNITED STATES DISTRICT COURT**  
13 **EASTERN DISTRICT OF CALIFORNIA**  
14

15 U.S. EQUAL EMPLOYMENT  
16 OPPORTUNITY COMMISSION,

17 Plaintiff,

18 vs.

19 MARQUEZ BROTHERS INTERNATIONAL,  
20 INC., MARQUEZ BROTHERS  
ENTERPRISES, INC.,  
21 MARQUEZ BROTHERS FOODS, INC.,  
22 MARQUEZ BROTHERS SOUTHERN  
CALIFORNIA, INC., MARQUEZ  
23 BROTHERS NEVADA, INC., MARQUEZ  
24 BROTHERS TEXAS I, INC., AND DOES 1-  
10, INCLUSIVE

25 Defendant(s).  
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) Case No.: 1:17-cv-00044-AWI-EPG  
)  
)

) **JOINT STIPULATION RE: DEADLINES**  
) **FOR RESPONSE AND REPLY TO**  
) **DEFENDANTS' ANTICIPATED**  
) **MOTION(S) RESPONDING TO THE**  
) **FIRST AMENDED COMPLAINT; AND**  
) **JOINT STIPULATION TO VACATE**  
) **MANDATORY SCHEDULING**  
) **CONFERENCE AND RELATED DATES;**  
) **ORDER**

1 LITTER MENDELSON, P.C.  
2 Keith Jacoby, SBN 150233  
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9 Attorneys for Defendants  
10 Marquez Brothers International, Inc.,  
11 Marquez Brothers Enterprises, Inc.,  
12 Marquez Brothers Foods, Inc.,  
13 Marquez Brothers Southern Cal., Inc.,  
14 Marquez Brothers Nevada, Inc., and  
15 Marquez Brothers Texas I, Inc.

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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”) by and through their counsel of record stipulate  
5 as follows:

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

12 2. The undersigned defense counsel represents all the Defendants named in this  
13 action.

14 **Stipulation re: Deadlines to File any Opposition and Reply to Defendants’ Motion or**  
15 **Motions Responding to the First Amended Complaint**

16 3. Pursuant to Local Rule 144 which provides for stipulation to extend time to  
17 respond to the complaint without court approval, the Parties filed their stipulation that all  
18 Defendants will have until April 19, 2017 or a 28-day extension from the date that the first  
19 Defendant was served on March 2, 2017 to respond to Plaintiff EEOC’s First Amended  
20 Complaint.

21 4. Defendants anticipate filing a motion or motions in response to the First  
22 Amended Complaint by April 19, 2017 on several grounds.

23 5. According to Local Rule 230(c), any opposition to a motion shall be filed and  
24 served not less than fourteen (14) days preceding to the noticed hearing date. Pursuant to Local  
25 Rule 230(d), the moving party may serve and file a reply to any opposition filed by a  
26 responding party not less than seven (7) days preceding the date of the hearing.

27 6. Because of the number of Defendants and issues involved in the anticipated  
28 motion or motions responding to the First Amended Complaint to be filed by April 19, 2017,

1 the Parties stipulate that Plaintiff EEOC will have until May 19, 2017 to file any opposition to  
2 Defendants' motion or motions responding to the First Amended Complaint. The Parties further  
3 stipulate that Defendants will have until June 19, 2017 to file any reply to any opposition filed  
4 by Plaintiff EEOC. The Parties stipulate that the hearing date on the motion or motions will be  
5 scheduled 14 days after the reply is due or on a date and time convenient to the Court.

6 **Stipulation to Vacate the Mandatory Scheduling Conference and Related Dates**

7 7. On January 11, 2017, the Court issued an Order Setting Mandatory Scheduling  
8 Conference for April 11, 2017. (Order 1, ECF No. 4). The Court also ordered that a Joint  
9 Scheduling Report shall be electronically filed one full week prior to the Scheduling  
10 Conference. (*Id.* at 3). The Court further ordered that a conference of counsel shall be held at  
11 least twenty days prior to the Mandatory Scheduling Conference. (*Id.*).

12 8. Because of the Parties' stipulation to extend the deadline to April 19, 2017 with  
13 respect to Defendants' response to Plaintiff EEOC's First Amended Complaint and the  
14 stipulation regarding the deadline of May 19, 2017 for Plaintiff EEOC to file any opposition to  
15 Defendant's motion or motions responding to the First Amended Complaint and the deadline of  
16 June 19, 2017 for Defendants to file any reply to Plaintiff EEOC's opposition, the Parties will  
17 not be able to meet the current deadlines relating to the April 11, 2017 Mandatory Scheduling  
18 Conference as set by the Court on January 11, 2017. Furthermore, any meaningful meeting of  
19 counsel, joint scheduling report, and Mandatory Scheduling Conference depend on how the  
20 Court rules on Defendants' motion or motions.

21 9. Thus, the Parties stipulate that the Mandatory Scheduling Conference is to be  
22 continued to October 2, 2017 at 9:30 a.m. with telephonic appearances granted.

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1                   **IT IS SO STIPULATED.**

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3 Dated: March 29, 2017

Respectfully Submitted

4                   U.S. EQUAL EMPLOYMENT  
5                   OPPORTUNITY COMMISSION

6                   */s/ Derek W. Li*

7 By: \_\_\_\_\_

Derek W. Li  
EEOC Trial Attorney for Plaintiff EEOC

8  
9 Dated: March 29, 2017

LITTLER MENDELSON, P.C.

10                   */s/ Keith Jacoby (authorized to sign by counsel)*

11 BY: \_\_\_\_\_

12 Keith Jacoby  
13 Attorney for Defendants  
14 Marquez Brothers International, Inc.,  
15 Marquez Brothers Enterprises, Inc.,  
16 Marquez Brothers Foods, Inc.,  
17 Marquez Brothers Southern Cal., Inc.,  
18 Marquez Brothers Nevada, Inc., and  
19 Marquez Brothers Texas I, Inc.

**ORDER**

Based on the above stipulation, the Court orders that:

1. Plaintiff EEOC shall have until **May 19, 2017** to file any opposition to Defendants' motion or motions responding to the First Amended Complaint. Defendants shall have until **June 19, 2017** to file any reply to any opposition filed by Plaintiff EEOC. Defendants shall notice the hearing on the motion or motions at least **21 days** after the deadline to file a reply brief.<sup>1</sup>
2. The Initial Scheduling Conference, which is currently set for April 11, 2017 at 9:00 a.m., is continued to **October 2, 2017 at 9:30 a.m.** Telephonic 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.

IT IS SO ORDERED.

Dated: March 30, 2017

/s/ Eric P. Gray  
UNITED STATES MAGISTRATE JUDGE

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<sup>1</sup> Unless the parties consent to magistrate judge jurisdiction under 28 U.S.C. § 636(c), any dispositive motion will be heard in Courtroom 2 before Senior District Judge Anthony W. Ishii. Defendants are advised to contact Judge Ishii's chambers before filing their motion to obtain available hearing dates.