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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ANGELINA NUNES, et al.,

Plaintiffs,

v.

COUNTY OF STANISLAUS, et al.,

Defendants.

Case no.: 1:17-cv-00633-DAD-SAB

ORDER DENYING PARTIES’
STIPULATION FOR REFERRAL TO
VOLUNTARY DISPUTE RESOLUTION
PROGRAM WITHOUT PREJUDICE AND
REQUIRING DEFENDANT TO FILE A
RESPONSE TO THE FIRST AMENDED
COMPLAINT

(ECF No. 38)

TEN DAY DEADLINE

On September 10, 2018, the parties filed a stipulation for referral of this matter to the Court’s Voluntary Dispute Resolution Program (“VDRP”).

Pursuant to the Local Rule, if the parties stipulate to using the VDRP, they must file a stipulation and order for VDRP Referral. L.R. 271(i). The Stipulation and Order for VDRP Referral must:

- (A) specify the time frame within which the parties propose the VDRP process will be completed and the date by which the Neutral must file confirmation of that completion;
- (B) suggest and explain any modifications or additions to the case management plan that would be advisable because of the reference to the VDRP; and

1 (C) describe any pretrial activity, e.g., specified discovery or motions, that shall
2 be completed before the VDRP session is held or that shall be stayed until the
VDRP session is concluded.

3 L.R. 271(i). The stipulation does not address the areas required by the Local Rule. See e.g.
4 Kamalu v. Walmart Stores, Inc., No. 1:13-cv-00627-SAB (E.D. Cal. April 7, 2014) (stipulation
5 and proposed order for referral to VDRP). To be referred to the VDRP, the parties are required to
6 file a stipulation that complies with Rule 271(i).

7 Further, the Court notes that Plaintiffs filed a first amended complaint on July 13, 2018,
8 and Defendants have not filed a responsive pleading, nor have the parties filed a stipulation
9 addressing the failure.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The stipulation for referral to Voluntary Dispute Resolution Program is DENIED
12 without prejudice; and
- 13 2. Defendants shall file a pleading responsive to the first amended complaint within
14 ten (10) days of the date of entry of this order.

15 IT IS SO ORDERED.

16 Dated: September 11, 2018

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18 UNITED STATES MAGISTRATE JUDGE

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