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16 (Additional counsel listed on p. 3)

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

19 U.S. EQUAL EMPLOYMENT  
20 OPPORTUNITY COMMISSION,

21 Plaintiff,

22 vs.

23 PRESTIGE CARE, INC., PRESTIGE  
24 SENIOR LIVING, LLC, CYPRESS POINT  
25 VENTURES, LLC, PRESTIGE SENIOR  
26 MANAGEMENT, LLC, CARE CENTER  
27 (ANCHORAGE), INC., GREEN VALLEY  
28 VENTURES, LLC, LAKE HAVASU TOO,  
LLC, SIERRA VISTA VENTURES, LLC,  
CHICO VENTURES, LLC, MANTECA  
VENTURES, LLC, MARYSVILLE  
VENTURES, LLC, OROVILLE ASSISTED  
LIVING, LLC, VISALIA VENTURES, LLC,  
CARE CENTER (LEWISTON), INC.,  
CALDWELL VENTURES, LLC,  
PARKWOOD MEADOWS, LLC,  
KALISPELL VENTURES, LLC,

) Case No.: 1:17-cv-01299-AWI-SAB

) **AMENDED JOINT STIPULATION TO**  
) **SCHEDULE SETTLEMENT**  
) **CONFERENCE, TO CONTINUE**  
) **PLEADING DEADLINES, MANDATORY**  
) **SCHEDULING CONFERENCE AND**  
) **RELATED DATES, AND TO STAY**  
) **DISCOVERY AND PENDING MOTIONS;**  
) **[PROPOSED] ORDER**

1 HENDERSON VENTURES II, LLC, CARE )  
2 CENTER (GLISAN), INC., CARE CENTER )  
3 (HOOD RIVER), INC., CARE CENTER )  
4 (LANECO), INC., CARE CENTER (LINDA )  
5 VISTA), INC., CARE CENTER (MENLO )  
6 PARK), INC., CARE CENTER )  
7 (PORTHAVEN), INC., CARE CENTER )  
8 (WILLOWBROOK), INC., PCI CARE )  
9 VENTURE I, INC., SUMMERPLACE )  
10 ASSISTED LIVING, LLC, CARE CENTER )  
11 (CAMAS), INC., CARE CENTER )  
12 (CENTRALIA), INC., CARE CENTER )  
13 (COLVILLE), INC., CARE CENTER )  
14 (EDMONDS), INC., CARE CENTER )  
15 (HAZEL DELL), INC., CARE CENTER )  
16 (SULLIVAN PARK), INC., CARE CENTER )  
17 (SUNNYSIDE), INC., CARE CENTER )  
18 (TOPPENISH), INC., GIG HARBOR )  
19 VENTURES, LLC, LIVING COURT )  
20 VENTURES, LLC, ENUMCLAW )  
21 VENTURES II, LLC, AND DOES 1-100, )  
22 INCLUSIVE, )

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Defendants.

1 *Additional Counsel for the EEOC:*

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1 Plaintiff Equal Employment Opportunity Commission (“EEOC”) and Defendants<sup>1</sup>  
2 (collectively, the “Parties”) by and through their counsel of record file this amended stipulation  
3 that amends the Parties’ Joint Stipulation to Schedule Settlement Conference, to Continue  
4 Mandatory Scheduling Conference and Related Dates, and to Stay Pending Motions and  
5 Discovery (ECF No. 57) to schedule a settlement conference, to continue the deadlines for  
6 Plaintiff to file its Amended Complaint and for Defendants to Answer, Move or otherwise file a  
7 Response thereto, to continue all briefing deadlines on pending motions, and to continue the  
8 Mandatory Scheduling Conference and stay discovery:

9 1. The Parties are scheduled to attend a Mandatory Scheduling Conference before  
10 Magistrate Judge Boone on September 7, 2018. (Doc No. 44.)

11 2. On June 27, 2018, Plaintiff filed a motion for partial summary judgment, which is  
12 set for hearing on August 13, 2018. (Doc No. 45.)

13 3. On June 29, 2018, Defendants filed a motion to transfer venue, which is also set  
14 for hearing on August 13, 2018. (ECF No. 48.)

15 4. On July 17, 2018, the Court entered an Order on Defendants’ Motion to Dismiss  
16 (Doc. No. 31), granting it in part, denying it in part, granting leave for the EEOC to file an  
17 amended complaint within fourteen (14) days of service of the Order, and ordering Defendants  
18 to file their Answer within twenty-one (21) days of service of the Order if the EEOC did not file  
19 an amended complaint or within fourteen (14) days of service of the Amended Complaint if it  
20 did. (Doc. No. 55.)

21 5. Prior to the expenditure of further substantial resources in pleadings, additional  
22 motion practice, and discovery, the Parties have agreed that it would be prudent to determine  
23 whether resolution is possible and, specifically, would be interested in attending a settlement  
24 conference with Magistrate Judge McAuliffe. The Parties have reached out via Magistrate  
25 Judge Boone’s chambers and have confirmed that Judge McAuliffe and representatives of all  
26 Parties are available October 25, 2018 for a full-day settlement conference.

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28 <sup>1</sup> For the Court’s reference, “Defendants” includes all named defendants **except** Cypress Point Ventures LLC.

1           6.       Given the Parties' interest in pursuing potential resolution, the Parties further  
2 believe that a stay of all proceedings would be appropriate, including a stay of the deadlines for  
3 the EEOC to file an amended complaint and for Defendants to Answer, Move or otherwise  
4 Respond thereto as set forth in the Court's July 17, 2018 Order (Doc. No. 55), to submit  
5 opposition and reply briefs in response to the pending motions, and to continue the Mandatory  
6 Scheduling Conference.

7           7.       In light of the above, the Parties stipulate as follows:

8               a.       to attend a settlement conference before Magistrate Judge McAuliffe on  
9 Thursday, October 25, 2018 at 9:30 a.m. in Courtroom 8;

10              b.       to continue the scheduled Mandatory Scheduling Conference to  
11 Thursday, December 6, 2018 at 10:30 a.m. in Courtroom 9 (SAB) before Magistrate  
12 Judge Stanley A. Boone;

13              c.       to a stay of all proceedings, including a stay of the deadlines for the  
14 EEOC to file an amended complaint and for Defendants to Answer, Move or otherwise  
15 Respond thereto, as recently ordered by the Court, and for the Parties to submit  
16 opposition and reply briefs concerning the pending motions for partial summary  
17 judgment and transfer of venue;

18              d.       upon completion of the settlement conference and if the Parties do not  
19 file a notice of settlement within five (5) days, the EEOC shall file its Amended  
20 Complaint, if any, within fourteen (14) days of the settlement conference; Defendants  
21 shall file its Answer, within twenty-one (21) days of the settlement conference if the  
22 EEOC does not file an amended complaint, or Answer, Move or otherwise Respond to  
23 the Amended Complaint within fourteen (14) days of service of the Amended Complaint  
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1 if it does; and the hearing dates of the pending motions shall be reset for  
2 November 26 at 1:30 p.m., or such other date as set by the Court in its discretion.  
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4 **IT IS SO STIPULATED.**

5 Respectfully Submitted,

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7 Dated: July 26, 2018

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

8  
9 By: s/ Nakkisa Akhavan

Nakkisa Akhavan  
Trial Attorney

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11 *Counsel for Plaintiff*

12  
13 Dated: July 26, 2018

LANE POWELL PC

14  
15 By: s/ Paul M. Ostroff

Paul M. Ostroff (CSB No. 67054)  
Shareholder

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17 *Counsel for Defendants*  
18 *(except Cypress Point Ventures, LLC)*  
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1 **ORDER**

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

3 a. The Parties shall attend a settlement conference before Magistrate Judge  
4 McAuliffe on Thursday, October 25, 2018 at 9:30 a.m. in Courtroom 8;

5 b. The Mandatory Scheduling Conference shall be held on Thursday, December 6,  
6 2018 at 10:30 a.m. in Courtroom 9 (SAB) before Magistrate Judge Stanley A. Boone;

7 c. All proceedings, including the deadlines for the EEOC to file an Amended  
8 Complaint and for Defendants to Answer as recently ordered by the Court, and for the Parties to  
9 submit opposition and reply briefs concerning the pending motions for partial summary  
10 judgment and transfer of venue, shall be stayed;

11 d. Upon completion of the settlement conference and where the Parties do not file a  
12 notice of settlement within five (5) days, the EEOC shall file its Amended Complaint, if any,  
13 within fourteen (14) days of the settlement conference; Defendants shall file its Answer within  
14 twenty-one (21) days of the settlement conference if the EEOC does not file an amended  
15 complaint, or Answer, Move or otherwise Respond to the Amended Complaint within fourteen  
16 (14) days of service of the Amended Complaint if it does; and the hearing dates of the pending  
17 motions shall be reset for November 26, 2018.

18 IT IS SO ORDERED.

19 Dated: July 27, 2018

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22 SENIOR DISTRICT JUDGE  
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