

1 JEFFREY G. KNOWLES (State Bar No. 129754)
JULIA D. GREER (State Bar No. 200479)
2 LAURA R SEEGAL (State Bar No. 307344)
COBLENTZ PATCH DUFFY & BASS LLP
3 One Montgomery Street, Suite 3000
San Francisco, California 94104-5500
4 Telephone: (415) 391-4800
Facsimile: (415) 989-1663
5 Email: jknowles@cpdb.com
jgreer@cpdb.com
6 ef-lrs@cpdb.com
7 SEAN RIORDAN (State Bar No. 255752)
ANGÉLICA H. SALCEDA (State Bar No. 296152)
8 AMERICAN CIVIL LIBERTIES UNION
FOUNDATION OF NORTHERN CALIFORNIA, INC.
9 39 Drumm Street
San Francisco, California 94111
10 Telephone: (415) 621-2493
Facsimile: (415) 255-8437
11 Email: sriordan@aclunc.org
asalceda@aclunc.org

12 Attorneys for Plaintiff J.I.
13

14 **UNITED STATES DISTRICT COURT**

15 **EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

16 J.I., an individual,

17 Plaintiff,

18 v.

19 UNITED STATES OF AMERICA,

20 Defendant.
21

Case No. 1:18-cv-00363-LJO-SAB

**JOINT STIPULATION AND ORDER TO
CONTINUE BRIEFING AND HEARING
ON DEFENDANT'S MOTION TO
TRANSFER TO THE WESTERN
DISTRICT OF TEXAS**

22
23 Plaintiff J.I. and defendant the United States are cognizant that, as detailed below, they
24 have requested several continuances on the briefing and hearing of the United States' Motion to
25 Transfer this action to the United States District Court for the Western District of Texas in order to
26 engage in settlement discussions. Despite what may appear to be slow progress, however, the
27 parties have been diligent in pursuing resolution. The parties have exchanged several settlement
28 offers and counter-offers. Discussions have resulted in each party moving materially from their

1:18-cv-00363-LJO-SAB

1 original positions, and the parties believe that there is a reasonably high chance that they will be
2 able to find a resolution to this litigation within the next ten days and file a notice to the Court
3 pursuant to Local Rule 160. These discussions would be aided by an additional, short continuance
4 of the deadline for the United States to file its reply in support of the motion to transfer the case.
5 The parties anticipate that this will be the last continuance of this nature that they will request.
6 Accordingly, the parties jointly stipulate as follows and respectfully request that the Court adopt
7 the schedule proposed below.

8 Hearing on the United States' motion to transfer (ECF 32) is continued to October 22,
9 2018, at 8:30 a.m.

10 The United States' reply in support of its motion to transfer shall be filed on or before
11 October 15, 2018.

12 This continuance is made without prejudice to either party's position on the pending
13 motion to transfer.

14 **RELEVANT PROCEDURAL HISTORY:**

15 On July 27, 2018, the United States filed a motion to transfer this action to the United
16 States District Court for the Western District of Texas. ECF 32.

17 On August 7, 2018, the Court stayed the limited discovery underway until the motion to
18 transfer was resolved. ECF 39.

19 On August 13, 2018, plaintiff J.I. filed an opposition to the motion to transfer. ECF 40.

20 On August 20, 2018, the Court approved the parties' stipulation to continue the deadline
21 for the United States to file a reply in support of the motion to transfer to September 13, 2018, and
22 the hearing on that motion until September 20, 2018, at 8:30 a.m., so the parties could discuss the
23 possibility of a negotiated resolution to this litigation.

24 On September 14, 2018, the Court approved the parties' stipulation to continue the
25 deadline for the United States to file a reply in support of the motion to transfer to September 20,
26 2018, and the hearing on that motion until September 27, 2018, at 8:30 a.m., so the parties could
27 continue to discuss the possibility of a negotiated resolution.

28 On September 21, 2018, the Court approved the parties' stipulation to continue the

1 deadline for the United States to file a reply in support of the motion to transfer to October 4,
2 2018, and the hearing on that motion until October 11, 2018, at 8:30 a.m., so the parties could
3 continue to discuss the possibility of a negotiated resolution.

4 **STIPULATION:**

5 As noted above, parties jointly stipulate as follows and respectfully request that the Court
6 continue the hearing on the United States' motion to transfer (ECF 32) to October 22, 2018, at
7 8:30 a.m.; the filing deadline for the United States' reply in support of its motion to transfer to on
8 or before October 15, 2018; and that this continuance be made without prejudice to either party's
9 position on the pending motion to transfer.

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: October 3, 2018

COBLENTZ PATCH DUFFY & BASS LLP

By: /s/ Jeffrey G. Knowles

Jeffrey G. Knowles
Attorneys for Plaintiff J.I.

DATED: October 3, 2018

McGREGOR W. SCOTT
United States Attorney

By: /s/ Philip A. Scarborough (as authorized on

October 3, 2018)
PHILIP A. SCARBOROUGH
Assistant United States Attorney

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

The parties have jointly stipulated to continue the briefing schedule on the United States’ motion to transfer this case to the United States District Court for the Western District of Texas (ECF 32) so they can continue settlement discussions. Good cause for the requested extension appears to exist. Accordingly, the hearing on the motion to transfer (ECF 32) is continued to October 22, 2018, at 8:30 a.m. The United States’ reply in support of its motion is due on October 15, 2018. This continuance shall be without prejudice to either party’s position with respect to the motion to transfer. If the parties reach a negotiated resolution, they shall immediately file a notice to the Court pursuant to Local Rule 160.

IT IS SO ORDERED.

Dated: October 9, 2018

/s/ Lawrence J. O’Neill
UNITED STATES CHIEF DISTRICT JUDGE