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11 **UNITED STATES DISTRICT COURT OF CALIFORNIA**  
 12 **EASTERN DISTRICT**  
 13 **FRESNO DIVISION**

14 **DAVID PHILLIPS-KERLEY,**

15 **Plaintiff,**

16 **vs.**

17 **CITY OF FRESNO and**  
 18 **DOES 1 to 10,**

19 **Defendants,**

CASE NO.: 1:18-CV-438-AWI BAM

**STIPULATION TO  
 CONTINUE MANDATORY  
 SCHEDULING CONFERENCE  
 And ORDER THEREON**

**Complaint Filed: March 28, 2018**

**Joint Scheduling Conf  
Currently Scheduled for: June 5, 2019**

20  
 21  
 22  
 23  
 24 TO THE HONORABLE JUDGE BARBARA A. McAULIFFE OF THE  
 25 ABOVE ENTITLED COURT, ALL PARTIES and to their ATTORNEYS OF  
 26 RECORD:

27 IT IS HEREBY STIPULATED AND AGREED, by and between the  
 28 parties, through their respective counsel of record, as follows:

1           1. The Scheduling Conference in this matter is scheduled for June 5,  
2 2019.

3           2. Defendant filed a Motion to Dismiss Plaintiff's Second Amended  
4 Complaint on May 24, 2019.

5           3. Plaintiff's Counsel was out of the Office for the Memorial Day  
6 holiday weekend and first reviewed Defendant's Motion on May 28, 2019.

7           4. Plaintiff's counsel requires time to review Defendant's Motion to  
8 Dismiss in order to determine the need for filing a Third Amended Complaint  
9 and it's content.

10           5. Plaintiff's Counsel anticipates filing a Third Amended Complaint,  
11 either through a Stipulation of the Parties or by requesting leave of the Court.

12           6. Plaintiff's Counsel believes the Scheduling Conference would be  
13 more productive and a more efficient use of Court time, if it were held after  
14 Plaintiff's Third Amended Complaint has been filed.

15           7. Thus, it is respectfully requested that the Scheduling Conference  
16 set for June 5, 2019, be continued to a date in August 2019 which is convenient  
17 to the Court's Calendar.

18  
19 Dated: May 29, 2019

20                           Respectfully Submitted,  
21                           By:           /s /           /  
22                                   RONALD ACKERMAN  
23                                   Public Employees Legal, LLP  
   Attorney for Plaintiff  
   DAVID PHILLIPS-KERLEY

24  
25 Dated: May 29, 2019

                                  BETTS & RUBIN  
  
26                           By:           /s /  Joseph D. Rubin  
27                                   Joseph D. Rubin  
28                                   Attorneys for Defendant City of Fresno

**ORDER**

Pursuant to the stipulation of the parties, and good cause appearing  
therefore,

IT IS HEREBY ORDERED that:

1. The scheduling Conference currently set for June 5, 2019, is  
continued to **August 14, 2019, at 10:00 AM** before the Honorable  
Magistrate Barbara A. McAuliffe, in Courtroom 8 (BAM) of the  
United States District Court – Eastern District.
2. The parties’ Joint Scheduling Report shall be submitted to the Court  
by August 7, 2019.

IT IS SO ORDERED.

Dated: May 30, 2019

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE