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6 7	Fax: (916) 324-5205 E-mail: Jeremy.Duggan@doj.ca.gov Attorneys for Defendants		
8	K. Celosse		
9	IN THE UNITED STATES DISTRICT COURT		
10	FOR THE EASTERN DISTRICT OF CALIFORNIA		
11	FRESNO DIVISION		
12			
13	DANA SMITHEE, et al.,	Case No. 1:19-cv-00004-NONE-JLT	
14	Plaintiffs,	STIPULATION FOR CONTINUANCE OF SCHEDULING CONFERENCE;	
15	v.	[PROPOSED] ORDER	
16	CA CORRECTIONAL INSTITUTION,	(Doc. 94)	
17	et al.,		
18	Defendants.		
19			
20	The parties hereby stipulate and request that the scheduling conference in this matter,		
21	currently set for December 21, 2020 at 9:30 a.m., be continued to January 21, 2021 at 9:30 a.m.		
22	A scheduling order may be modified upon a showing of good cause and by leave of Court. Fed.		
23	R. Civ. P. 6(b)(1)(A), 16(b)(4); see also Johnson v. Mammoth Recreations, Inc., 975 F.2d 604,		
24	609 (9th Cir. 1992). Here, Defendant's answer is currently due December 15, 2020, after the		
25	parties' joint scheduling report is currently due. (See Minute Order, ECF No. 19.) The parties'		
26	conference leading to the joint scheduling report cannot be as productive if done before the		
27	pleadings are set, which would lead to a less productive scheduling conference. The parties		
28	therefore agree to and request that the scheduling conference be continued to January 21, 2021. 1		

1	The parties have sought two continuances	s of this date before. (ECF Nos. 13, 17.) The
2	continuance is not being sought for any improp	er purpose.
3	Based on the foregoing, the parties stipulate as follows: that the scheduling conference,	
4	previously set for December 21, 2020 at 9:30 a.	m., be continued to January 21, 2020 at 9:30 a.m.
5		
6	Dated: December 11, 2020	Brod Law Firm, P.C.
7		/s/ Gregory J. Brod (as authorized 12/11/2020)
8		Gregory J. Brod
9 10		Attorneys for Plaintiffs Dana Smithee and E.M., a minor by and through guardian ad litem Jennifer Montes
11	Dated: December 11, 2020	Respectfully submitted,
12		XAVIER BECERRA
13		Attorney General of California JOANNA B. HOOD Supervising Deputy Attorney General
14		/s/ Jeremy Duggan
15		JEREMY DUGGAN
16 17		Deputy Attorney General Attorneys for Defendant K. Celosse
17		K. Celosse
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1	[Proposed] ORDER	
2	Good cause appearing, the parties' stipulation to continue the scheduling conference is	
3	GRANTED. The scheduling conference, previously set for December 21, 2020, at 9:30 a.m., is	
4	continued to January 21, 2021 at 9:30 a.m.	
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6	IT IS SO ORDERED.	
7	Dated: December 11, 2020 /s/ Jennifer L. Thurston	
8	UNITED STATES MAGISTRATE JUDGE	
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