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8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA
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11 SHAWN SMALLWOOD,

12 Plaintiff,

13 v.

14 DEPARTMENT OF VETERANS AFFAIRS,
15 et al.,

16 Defendants.

Case No. 1:24-cv-00141-JLT-CDB

ORDER ON STIPULATION EXTENDING
BRIEFING SCHEDULE AND HEARING
DATE ON MOTIONS TO DISMISS

ORDER VACATING SCHEDULING
CONFERENCE

(Doc. 22)

17
18 Plaintiff Shawn Smallwood initiated this action with the filing of a complaint against
19 Defendants on February 1, 2024, seeking declaratory and injunctive relief. The Court issued an
20 order setting the mandatory scheduling conference on April 25, 2024. (Doc. 5). On April 19,
21 2024, pursuant to the parties' stipulated request, the Court continued the mandatory scheduling
22 conference in this case to May 29, 2024. (Doc. 17).

23 On that same day, Defendants Michael D. Brennan, Ross A. Davidson, Department of
24 Veterans Affairs, Anntwinette Dupree-Hart, Denis Richard McDonough, and Eric C. Roberts
25 ("the Federal Defendants") filed a motion to dismiss. (Doc. 18). On May 3, 2024, Defendant
26 SASD Development Group LLC ("SASD") filed a separate motion to dismiss. (Doc. 19).

27 Pending before the Court is the parties' stipulated request for order (1) adjusting the
28 briefing and hearing schedule on the pending motions to dismiss, and (2) continuing the

1 mandatory scheduling conference. (Doc. 22). In their stipulation, lead counsel for Plaintiff avers
2 that he is scheduled to be out of town on a family matter from May 10 to May 19, 2024, and
3 conferred with all counsel regarding the need to have additional time to prepare Plaintiff's
4 opposition to SASD's motion to dismiss. *Id.* at 2. The parties agreed to extend Plaintiff's
5 deadline to file an opposition to SASD's motion to dismiss from May 17, 2024, to May 24, 2024,
6 to accommodate counsel for Plaintiff's travel plans. The parties further agreed that SASD's
7 reply, if any, would be filed no later than June 3, 2024, and that the hearing date for both pending
8 motions to dismiss be continued to June 14, 2024. *Id.* at 3.

9 Finally, the parties agree that the mandatory scheduling conference should be extended to
10 a date after the Court's ruling on the pending motions to dismiss. *Id.*

11 Accordingly, considering the parties' representations and good cause appearing, the Court
12 ORDERS as follows:

- 13 1. Plaintiff's deadline to file an opposition to SASD's motion to dismiss is extended from
14 May 17, 2024, to **May 24, 2024**.
- 15 2. SASD's reply, if any, shall be filed no later than **ten days** after the opposition was filed.
16 *See* Local Rule 230(d)
- 17 3. The hearing date for both pending motions to dismiss (Docs. 18, 19) shall be continued
18 to June 14, 2024, at 9:00 a.m., before the Hon. U.S. District Judge Jennifer L. Thurston,
19 **or to another date otherwise convenient for the Court.**
- 20 4. The mandatory scheduling conference set for May 27, 2024, is VACATED. The Court
21 shall issue an order resetting the scheduling conference following resolution of the
22 pending motions to dismiss.

23 IT IS SO ORDERED.

24 Dated: **May 9, 2024**

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27 UNITED STATES MAGISTRATE JUDGE
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