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 SCOTT CHESSER

15 UNITED STATES DISTRICT COURT
 16 EASTERN DISTRICT OF CALIFORNIA

18 JAMES OLIVER,
 19 Plaintiff,
 20 v.
 21 SCOTT CHESSER,
 22 Defendant.

Case No. 2:08-cv-2524 LKK AC P

**STIPULATION AND [PROPOSED]
 ORDER TO MODIFY PRETRIAL
 SCHEDULING ORDER**

Judge: Hon. Lawrence K. Karlton

23
 24 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, Local Rules 240 and 270,
 25 and the Court’s Pretrial Scheduling Order, Plaintiff James Oliver and Defendant Scott Chesser
 26 hereby submit this Stipulation and [Proposed] Order to Modify the Pretrial Scheduling Order to
 27 continue the discovery deadline for one month to allow the parties to engage in good faith
 28 settlement discussions that may resolve the claim at issue in this litigation.

1 On July 21, 2010, this Court issued a Pretrial Scheduling Order in this matter. At the
2 time, Plaintiff was not represented by counsel. The Court set the discovery deadline as January
3 7, 2011 and a dispositive motion deadline of April 29, 2011. The Court did not set a trial date.

4 Subsequently, the Court extended the discovery deadline until April 7, 2011 and the
5 dispositive motion deadline until July 15, 2011. The dispositive motion deadline was again
6 extended to November 28, 2011.

7 On August 10, 2012, Magistrate Judge Gregory G. Hollows issued Findings and
8 Recommendations, recommending that Plaintiff's motion for summary judgment be denied and
9 that Defendants' motion for judgment on the pleadings be granted in part and denied in part,
10 leaving only a retaliation claim. On September 27, 2012, the Court adopted the Findings and
11 Recommendations in full.

12 On December 14, 2013, Plaintiff filed a motion to appoint counsel, which was granted on
13 February 12, 2013.

14 On September 26, 2013, this Court entered a Stipulation and Order to reopen discovery to
15 allow further investigation of the claim at issue in this action since the appointment of counsel
16 for Plaintiff. The Order allowed the parties to conduct discovery until February 7, 2014.

17 On December 23, 2013, the Court issued a Scheduling Order, setting the Final Pretrial
18 Conference in this matter for March 26, 2014.

19 Over the past months, Plaintiff and Defendant have engaged in good-faith settlement
20 discussions that may resolve the claim at issue in this litigation. In order to preserve resources,
21 the parties have agreed to postpone some of the discovery in this action while resolution of this
22 matter is fully explored. However, in the event that settlement cannot be achieved, the parties
23 seek a modification of the Pretrial Scheduling Order to extend the discovery cut-off by an
24 additional month.

25 **THE PARTIES THROUGH THEIR RESPECTIVE COUNSEL HEREBY STIPULATE:**

26 1. Because of ongoing settlement discussions, the Parties agree to continue the
27 discovery deadline to allow further investigation and negotiation of the claim at issue in this
28 Action.

1 2. The parties may conduct discovery until March 7, 2014. Any motions necessary
2 to compel discovery shall be filed by that date.

3
4 Dated: January 21, 2014

SEYFARTH SHAW LLP

5 By: /s/ Julie G. Yap

6 James D. McNairy

7 Sophia S. Kwan

8 Julie G. Yap

Attorneys for Plaintiff

JAMES OLIVER

9 Dated: January 21, 2014

DEPARTMENT OF JUSTICE

Office of the Attorney General of California

10
11 By: /s/ Kevin Reager

12 Kevin Reager

Attorneys for Defendant

SCOTT CHESSER

13 IT IS SO ORDERED.

14 DATED: January 22, 2014

15 
16 ALLISON CLAIRE
17 UNITED STATES MAGISTRATE JUDGE