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8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10 (SACRAMENTO DIVISION)

10 ROSLYN McCOY,)	Case No. 2:09-CV-01973-LKK-CMK
)	
11 Plaintiff,)	STIPULATION AND ORDER TO
)	CHANGE THE HEARING DATE AND
12 v.)	BRIEFING SCHEDULE FOR
)	PLAINTIFF’S MOTION TO MODIFY
13 DEPARTMENT OF THE ARMY -- ARMY)	THE SCHEDULING ORDER
CORPS OF ENGINEERS and HONORABLE)	
14 JOHN MCHUGH, SECRETARY OF THE)	
ARMY, collectively,)	
)	
15 Defendant.)	
)	
)	

18 Plaintiff Roslyn McCoy, and Defendant John M. McHugh, Secretary of the Army
 19 (“Secretary”), through their respective counsel, hereby respectfully submit the following
 20 stipulation to change the date of the hearing on Plaintiff’s Motion to Modify the Scheduling Order
 21 from March 28 to March 21, with the opposition brief due on March 11 and the reply brief due on
 22 March 15.

23 **RECITALS**

- 24 1. On February 12, 2011, Plaintiff filed papers in support of her Motion to Modify the
- 25 Scheduling Order, with the hearing set for March 28, 2011.
- 26 2. Plaintiff’s counsel inadvertently scheduled this hearing on a date he will be out of
- 27 the country on vacation.
- 28 3. As soon as Plaintiff’s counsel realized his mistake, he contacted defense counsel to

1 discuss moving the hearing to April 25, 2011.

2 4. Defense counsel indicated his desire to have the motion resolved prior to April 25,
3 2011, given the potential impact of modification of the schedule on the Secretary's anticipated
4 motion for summary judgment. Counsel for the Secretary suggested contacting the Court to
5 determine if it was possible to have the matter specially set for a hearing on March 21 or April 1,
6 2011. Plaintiff's counsel agreed to moving up the date of the hearing to March 21, and both
7 counsel have agreed that the Secretary could have his opposition filed by March 11 and Plaintiff
8 have her reply brief filed by March 15.

9 **STIPULATION AND REQUEST**

10 Based on the above, the parties by and through their counsel of record, hereby stipulate and
11 request that (1) the hearing date for Plaintiff's Motion to Modify the Scheduling Order be moved to
12 March 21, 2011, 10 a.m. ; and (2) that the opposition brief will be filed by no later than March 11
13 and the reply brief will be filed no later than March 15.

14 IT IS SO STIPULATED.

15 BENJAMIN B. WAGNER
16 United States Attorney

17
18 Date: March 4, 2011

19 _____
20 /Signed/
21 By: TODD A. PICKLES
22 Assistant United States Attorney
23 Attorneys for Secretary of the Army

24 LAW OFFICES OF JOHN OTA

25 Dated: March 4, 2011

26 _____
27 /Signed/
28 John Ota
Attorney for Plaintiff

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ORDER

This matter came before the Court on the parties' Stipulation to Change the Hearing Date and Briefing Schedule for Plaintiff's Motion to Modify the Scheduling Order. For the reasons stated in the Stipulation and for good cause showing, the Court ADOPTS the Stipulation and GRANTS the relief requested therein.

Accordingly, IT IS HEREBY ORDERED THAT (1) the hearing date for Plaintiff's Motion to Modify the Scheduling Order be moved to April 11, 2011, 10 a.m. ; and (2) the opposition brief will be filed by no later than March 11 and the reply brief will be filed no later than March 15.

IT IS SO ORDERED.

Date: March 8, 2011


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT