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7  
 8 IN THE UNITED STATES DISTRICT COURT  
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 10

11 ROSLYN G. McCOY,  
 12 Plaintiff,  
 13 v.  
 14 HONORABLE JOHN M. McHUGH,  
 15 Defendant.  
 16

CASE NO. 2:09-CV-01973 LKK-CMK

**STIPULATION TO CONTINUE DATE FOR  
 HEARINGS ON MOTION *IN LIMINE* AND  
 PLAINTIFF’S MOTION FOR  
 RECONSIDERATION TO DECEMBER 19,  
 2011, AND TO MAINTAIN ALL OTHER  
 DATES, INCLUDING TRIAL DATE;  
 ORDER THERETO**

**[Fed.R.Civ.P.16]**

17  
 18 Plaintiff Roslyn McCoy, and Defendant John M. McHugh, Secretary of the Army (“Secretary”),  
 19 through their respective counsel, hereby respectfully submit the following stipulation and request to  
 20 modify the pretrial schedule.

**RECITALS**

21  
 22 1 By Order signed October 7, 2011, this Court set the hearing on any motions *in limine*  
 23 and for Plaintiff’s Motion for Reconsideration of the Court’s Order Granting In Part the Secretary’s  
 24 Motion for Summary Judgment for December 5, 2011 at 10:00 a.m.. The dates for filing the motions *in*  
 25 *limine* are based on the hearing date of December 5, 2011. The Court also set a trial date of March 20,  
 26 2012, and a settlement conference before Magistrate Judge Dale A. Drozd for January 12, 2012.

27 2. Subsequent to the setting of these dates, on October 17, 2011, the Ninth Circuit Court of  
 28 Appeals set oral argument in the case of *United States v. Tubbs*, No. 09-10149, for December 5, 2011 at

1 9:00 a.m., in San Francisco, California. The undersigned counsel for the Secretary is also counsel for  
2 the United States in *Tubbs*, authored the answering brief, and will be presenting argument.

3 3. Accordingly, counsel for the Secretary currently has an unforeseen scheduling conflict  
4 for December 5, 2011. To accommodate this conflict, Plaintiff's counsel have graciously agreed to  
5 jointly request the Court continue the hearing date in this case to December 19, 2011, which is the next  
6 available law and motion date on the Court's calendar. The parties do not wish to change the trial date  
7 or any other dates, and do not believe moving the hearing date will affect any further dates set by the  
8 Court.

9 **STIPULATION AND REQUEST**

10 Based on the foregoing, the parties hereby stipulate and request the following:

11 1. The hearing on any motions *in limine* as well as on Plaintiff's Motion for  
12 Reconsideration [DE 91], set for December 5, 2011 at 10:00 a.m., be continued to **December 19, 2011,**  
13 **at 10:00 a.m.**, and the dates for the submission of the parties' motions *in limine* be continued consistent  
14 with that date.

15 2. All other dates shall remain as set by the Court's October 7 Order.

16 IT IS SO STIPULATED.

17 BENJAMIN B. WAGNER  
18 United States Attorney

19 Date: October 19, 2011

19 By: /s/ Todd A. Pickles  
20 TODD A. PICKLES  
21 Assistant United States Attorney  
22 Attorneys for Secretary of the Army

23 EQUALITY LAWYERS

24 Date: October 19, 2011

24 By: /s/ Lawrence A. Organ  
25 LAWRENCE A. ORGAN  
26 Attorneys for Plaintiff

1 **ORDER**

2 This matter came before the Court on the parties' Stipulation To Continue The Hearing On  
3 Motions *in limine* and Plaintiff's Motion for Reconsideration to December 19, 2011, And To Maintain  
4 All Other Dates. For the reasons stated in the Stipulation and for good cause showing under Rule 16 of  
5 the Federal Rules of Civil Procedure, the Court ADOPTS the Stipulation and GRANTS the relief  
6 requested therein.

7 Accordingly,


8 IT IS HEREBY ORDERED THAT

9 1. The hearing on any motions *in limine* as well as on Plaintiff's Motion for  
10 Reconsideration [DE 91] IS CONTINUED TO **December 19, 2011, at 10:00 a.m.**, with the dates for  
11 the submission of the parties' motions *in limine* based on a hearing on December 19, 2011.

12 2. All other dates shall remain as set by the Court's October 7 Order.

13 IT IS SO ORDERED.

14  
15 Date: October 21, 2011

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17   
18 LAWRENCE K. KARLTON  
19 SENIOR JUDGE  
20 UNITED STATES DISTRICT COURT