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20 THE UNITED STATES DISTRICT COURT
21 FOR THE EASTERN DISTRICT OF CALIFORNIA

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23 G.W., by and through his parents and guardians
24 ad litem, K.W. and M.W., and K.W. and M.W.
25 individually,

26 Case No. 2:09-cv-02772-MCE-KJM

27 STIPULATION TO EXTEND MOTION FOR
28 SUMMARY JUDGMENT SCHEDULE

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30 Plaintiffs,

31 v.

32 BUCKEYE UNIFIED SCHOOL DISTRICT

33
34 Defendant.

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36 Pursuant to Federal Rules of Civil Procedure (F.R.C.P.) Rule 78 and Local Rule 230 and
37 F.R.C.P. Rule 6 and Local Rule 144, the parties hereby request that the Motion for Summary
38 Judgment schedule be extended.

39 Plaintiffs G.W., K.W. and M.W. (Plaintiffs) along with Defendant Buckeye Unified
40 School District (Defendant), hereby stipulate and agree to the following:

1 1. Pursuant to a request by the parties, this case was referred to the Court's Voluntary Dispute
2 Resolution Process (VDRP) on January 12, 2010. Pursuant to this referral, Attorney Patricia Lee
3 Connors was appointed to serve as a mediator on January 26, 2010. For reasons unknown to the
4 parties, Ms. Connors never contacted either party to schedule mediation. On April 28, 2010, Ms.
5 Connors was terminated as the mediator due to a conflict of interest.

6 2. Still wishing to mediate the case, Ms. Loughrey, counsel for Plaintiffs, contacted Linda
7 Martinez, the Relief Judicial Assistant/VDRP Administrator, to inquire about other mediators.
8 Ms. Martinez responded with the names of three other potential mediators.

9 3. The parties have reviewed the proposed mediators, but believe they have a better chance at
10 resolving the dispute by selecting a private mediator. Accordingly, the parties have scheduled
11 mediation with Elaine Talley, a mediator experienced in special education issues, to take place
12 on June 14, 2010.

13 4. Currently, several motions and reply motions are scheduled to be filed in the upcoming
14 weeks and months. In order to increase the likelihood of resolution and to avoid expending time
15 and resources unnecessarily, the parties wish to extend the briefing schedule to allow them to
16 attempt to mediate the case.

17 5. Under the Pre-Trial Scheduling Order, Plaintiffs Motion for Summary Judgment (MSJ) is
18 due on **May 13, 2010**. Defendant's opposition and cross-motion is due on **June 3, 2010**. The
19 administrative record is due to be filed on **June 7, 2010**. Plaintiff's reply and opposition is due
20 on **June 17, 2010**. Defendant's reply is due on **July 1, 2010**. A hearing on the motions is
21 scheduled for **July 8, 2010**.

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6. The parties hereby request that Plaintiffs MSJ and the administrative record be due on **July 19, 2010**; Defendant's opposition and cross-motion be due on **August 9, 2010**; Plaintiff's reply and opposition be due on **August 23, 2010**; Defendant's reply be due on **September 7, 2010** and a hearing on the motions shall occur on **September 14, 2010**.

Respectfully Submitted,

LOUGHREY & ASSOCIATES

Dated: May 5, 2010

By: /s/ Tamara Loughrey
Tamara Loughrey
Justin Arnold
Attorneys for Plaintiffs

Dated: May 5, 2010

By: /s/ Marcy Gutierrez
Marcy Gutierrez
Attorney for Defendant

ORDER

Good cause appearing therefore,

1. All currently scheduled dates regarding the parties' motions for summary judgment are hereby vacated;
2. Plaintiffs MSJ and the administrative record shall be filed no later than **July 19, 2010**; Defendant's opposition and cross-motion shall be filed no later than **August 9, 2010**; Plaintiff's reply and opposition shall be filed no later than **August 23, 2010**; Defendant's reply shall be filed no later than **September 7, 2010** and the hearing take place on **September 14, 2010**.

IT IS SO ORDERED.

Dated: May 11, 2010


Morrison C. England, Jr.