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16 THE UNITED STATES DISTRICT COURT  
17 FOR THE EASTERN DISTRICT OF CALIFORNIA

18 G.W., by and through his parents and guardians  
19 ad litem, K.W. and M.W., and K.W. and M.W.  
20 individually,

21 Plaintiffs,

22 v.

23 BUCKEYE UNIFIED SCHOOL DISTRICT

24 Defendant.

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

STIPULATION TO EXTEND MOTION FOR  
SUMMARY JUDGMENT SCHEDULE

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

28 Plaintiffs G.W., K.W. and M.W. (Plaintiffs) along with Defendant Buckeye Unified  
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.  
UNITED STATES DISTRICT JUDGE