

1 Susan E. Kirkgaard, SBN 134915
 2 Krista J. Dunzweiler, SBN 227384
 3 BULLIVANT HOUSER BAILEY PC
 4 1415 L Street, Suite 1000
 5 Sacramento, California 95814
 6 Telephone: 916.930.2500
 7 Facsimile: 916.930.2501
 8 E-Mail: susan.kirkgaard@bullivant.com
 9 krista.dunzweiler@bullivant.com

10 Attorneys for Defendant R+L Carriers, Inc.

11 UNITED STATES DISTRICT COURT
 12 EASTERN DISTRICT OF CALIFORNIA
 13 SACRAMENTO DIVISION

14 **MARLENA VASQUEZ,**

15 Plaintiff,

16 v.

17 **R+L CARRIERS, INC. et al.,**

18 Defendants.

Case No.: 2:10-CV-01125-FCD-GGH

**STIPULATION AND ORDER TO
 EXTEND DEADLINES FOR R+L
 CARRIERS, INC.'S TO MOVE OR
 PLEAD IN RESPONSE TO THE
 COMPLAINT AND FOR THE PARTIES
 TO FILE THEIR JOINT STATUS
 REPORT**

19 Plaintiff MARLENA VASQUEZ (“Vasquez”) and Defendant R+L CARRIERS, INC.
 20 (“R+L”), through their attorneys of record hereby request that the Court, pursuant to Local Rule
 21 144, extend the deadline for R+L to move or plead in response to the Complaint by thirty (30)
 22 days, until July 14, 2010. Furthermore, the parties request that the Court extend the deadline for
 23 filing the Joint Status Report to August 3, 2010 set forth in the Order Requiring Joint Status
 Report. The parties further stipulate as follows:

24 1. Vasquez filed her Complaint for Failure to Grant Rest Breaks and/or Meal
 25 Periods During Employment; Breach of Government Code Section 12940, et seq;
 26 Discrimination on the basis of disability; Breach of Government Code Section 12940, et seq;
 27 Failure to accommodate and/or engage in an interactive process; Breach of Government Code
 28 Section 12945.1, et seq; Refusal to grant and/or discrimination for taking a medical leave of

1 absence, in the Yolo County Superior Court on or about March 11, 2010. Vasquez served the
2 complaint on R+L on or about April 27, 2010.

3 2. R+L filed a Notice of Removal with the United States District Court for the
4 Eastern District of California on or about May 5, 2010.

5 3. Pursuant to Local Rule 144, the parties agreed to extend R+L's deadline to move
6 or plead in response to the Complaint by less than twenty eight (28) days, until June 14, 2010,
7 and filed said stipulation with the Court on or about May 5, 2010.

8 4. The parties in this matter now jointly seek from this Court an Order extending
9 Defendant R+L's deadline to move or plead in response to the Complaint by 30 days from the
10 deadline agreed to by the parties. The parties request that the Court extend the deadline until
11 July 14, 2010.

12 5. Following R+L's removal of this matter to this Court, the parties began to
13 engage in discussions aimed at resolving this case informally. During those discussions, the
14 parties agreed that an early mediation would be productive.

15 6. The parties are working diligently to schedule a private mediation regarding this
16 case, and other similar litigation, to take place in June 2010. The requested extension would
17 allow that mediation to occur and potentially resolve the matter in its entirety without further
18 expense of judicial resources.

19 7. Furthermore, the mediation will likely include at least one other unrelated case in
20 which Plaintiff's counsel also represents the party in that separate litigation. Because the
21 mediation will encompass two separate plaintiffs in two separate actions, additional time for
22 scheduling and coordination is required.

23 8. The parties believe that the thirty (30) day extension of R+L's deadline to move
24 or plead in response to the complaint will provide the parties will sufficient time to fully explore
25 the possibility of early resolution of the claims at issue in this case.

26 9. On or about May 7, 2010, the Court issued an Order Requiring Joint Status
27 Report. That order requires that the parties submit a Joint Status Report within sixty (60) days
28 of the date of service, or from the date of removal. As noted above, the case was removed on

1 May 5, 2010; thus the deadline for filing the Joint Status Report is currently July 4, 2010. The
2 parties do not want to detract from the efforts to resolve the matter informally through
3 mediation, and believe that it is beneficial to the resolution process to delay the preparation and
4 filing of the Joint Status Report until after R+L has responded to Plaintiff's Complaint. Thus,
5 the parties request that the deadline for filing the Joint Status Report also be moved by thirty
6 (30) days until August 3, 2010.

7 IT IS SO STIPULATED.

8 Approved:

9 DATED: May 26, 2010

10 BULLIVANT HOUSER BAILEY PC

11
12 By _____
13 Susan E. Kirkgaard
14 Krista J. Dunzweiler

15 Attorneys for Defendant R + L Carriers, Inc.

16 DATED: May 25, 2010

HENK LEONARD

17
18 By: /s/ ROBERT P. HENK, as authorized on
19 5/25/2010
20 Robert P. Henk
21 Sheri L. Leonard
22 Attorneys for Plaintiff Marlana Vasquez

23 **ORDER**

24 Plaintiff RICHARD SPRINGER's and Defendant R+L CARRIERS, INC.'s stipulation
25 and request for an order extending the deadline for R+L CARRIERS, INC. to move or plead in
26 response to Plaintiff's Complaint came before the Court on this day.


27 Upon a showing of good cause as to why the deadline should be moved, IT IS HEREBY
28 ORDERED that:

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1. The deadline for R+L CARRIERS, INC. to move or plead in response to Plaintiff's Complaint shall be extended up through July 14, 2010.

2. The deadline for the parties to prepare and file the Joint Status Report shall be extended up through August 3, 2010.

Dated: May 26, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE