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12	UNITED STATES DISTRICT COURT		
13	EASTERN DISTRICT OF CALIFORNIA		
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15	JERRY LUM, etc., et al.,) NO. 2:10-CV-01807-LKK-DAD	
16	Plaintiffs,	STIPULATION AND ORDER RESCHEDULING PRETRIAL	
17	V.	CONFERENCE	
18	COUNTY OF SAN JOAQUIN, et al.,	(F.R.C.P. 16(b)(4)]	
19	Defendants.	[No hearing required]	
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This stipulation and proposed order is entered into between all Plaintiffs and all Defendants.

RECITALS

- A. On September 29, 2010, the Court issued its Scheduling Order. (Doc. No. 19).
- B. The Scheduling Order scheduled the pretrial conference for May 29, 2012, and the trial to start on August 28, 2012. Pursuant to Rule 281 of the Local Rules and the Scheduling Order, the parties' pretrial statements are due on May 15 and 22, 2012.
- C. By order issued on March 23, 2012, the Court granted in part and denied in part portions of Defendants' summary judgment motion. (Doc. No. 107). The Court also ordered further briefing on certain issues contained in the summary judgment motion, which briefing the parties filed, and the Court still has under submission those portions of the summary judgment motion.
- D. On April 20, 2012, Defendants filed a notice of interlocutory appeal of the portions of the Court's order denying Defendants' summary judgment motion.
- E. Defendants believe the filing of the notice of interlocutory appeal stays the lawsuit and they intend to file a motion confirming the stay, which they intend to calendar for hearing on June 4, 2012.
- F. Lead trial counsel for Defendants, Dana A. Suntag, is having nonelective, required surgery at UCSF in San Francisco on May 3, 2012, for which he will be hospitalized for one or two nights, and he has been told that he will not be able to return to work until approximately May 15, 2012. This will limit his ability to work on Defendants' pretrial statement and the parties' joint pretrial statement, due on May 22, 2012.
- G. For the above reasons, the parties respectfully request the Court to reschedule the pretrial conference to June 25, 2012 (or such other available date to the

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Court around June 25, 2012). Rescheduling the pretrial conference in this manner will conserve the resources of the parties and the Court, because without a rescheduling of the pretrial conference the parties would have to prepare and file pretrial statements and the parties and the Court would conduct the May 29, 2012, pretrial conference when the Court may shortly thereafter stay the case pending the appeal. Moreover, without a rescheduling of the pretrial conference, Mr. Suntag will have only a limited ability to be involved in the preparation of pretrial statements. Therefore, the parties believe that good cause, as required by Rule 16(b)(4) of the Local Rules, exists for the rescheduling of the pretrial conference.

H. Since the trial date is August 28, 2012, the parties do not believe the scheduling change they request by this stipulation requires any change to the trial date and the parties do not request the Court to change that date.

1 **STIPULATION** 2 IT IS STIPULATED AND AGREED, by the parties, through their counsel 3 of record, that the pretrial conference be rescheduled to June 25, 2012, or such other date around June 25, 2012, that is available to the Court. 4 Dated: April 26, 2012 THE SUNTAG LAW FIRM 5 A Professional Corporation 6 By: <u>/s/ Dana A. Suntag</u> DANA A. SUNTAG 7 Attorneys for All Defendants 8 9 Dated: April 26, 2012 WALKER, HAMILTON & KOENIG LLP 10 <u>/s/ Peter J. Koenig</u> 11 PETER J. KOENÍG Attorneys for All Plaintiffs 12 ORDER 13 It is so ordered. 14 The pretrial conference is rescheduled to June 25, 2012, at 1:30 p.m. 15 Dated: April 30, 2012. 16 17 18 19 20 UNITED STATES DISTRICT COURT 21 22 23 24 25 26 27

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