Levitoff v. Vilsack et al Doc. 18

1 BENJAMIN B. WAGNER United States Attorney 2 LYNN TRINKA ERNCE Assistant United States Attorney 3 501 I Street, Suite 10-100 Sacramento, CA 95814 Telephone: (916) 554-2720 4 Facsimile: (916) 554-2900 5 Attorneys for Defendant 6 7 IN THE UNITED STATES DISTRICT COURT 8 9 EASTERN DISTRICT OF CALIFORNIA 10 11 KRISTINE LEVITOFF, Case No. 2:11-cv-01149 JAM AC 12 Plaintiff. STIPULATION REQUESTING MODIFICATION OF SCHEDULING 13 v. ORDER 14 THOMAS J. VILSACK, Secretary, U.S. Department of Agriculture, 15 Defendant. 16 Defendant Thomas J. Vilsack, Secretary of the United States Department of Agriculture, and 17 plaintiff Kristine Levitoff, by and through their undersigned counsel, hereby stipulate and agree as 18 follows: 19 20 1. On February 13, 2012, the Court entered its Status (Pretrial Scheduling) Order for the case. Docket 14. 21 2. The scheduling order set the following discovery and motion deadlines: 22 23 January 18, 2013 Plaintiff's Expert Witness Disclosure Defendant's Expert Witness Disclosure February 15, 2013 24 Supplemental/Rebuttal Expert Witnesses March 5, 2013 Joint Mid-Litigation Statement April 5, 2013 25 **Discovery Cutoff** April 19, 2013 Dispositive Motions (filed by) June 5, 2013 26 Dispositive Motions (heard by) July 10, 2013 Joint Pretrial Conference Statement September 6, 2013 27 Final Pretrial Conference September 13, 2013 **Trial Briefs** October 7, 2013 28 October 21, 2013 Trial STIPULATION REQUESTING MODIFICATION

OF SCHEDULING ORDER

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27 28 3. For a number of months, the parties have been engaged in settlement negotiations in an attempt to resolve this case. At this time, the parties wish to attempt to reach a settlement by attending a private mediation. Given counsels' work schedules and their upcoming holiday and vacation schedules, the parties will attempt to schedule private mediation to occur in late January 2013.

- 4. Because plaintiff's expert witness disclosure deadline is in mid-January, with other dates following thereafter, the parties believe that good cause exists for the Court to modify its scheduling order to accommodate the parties' interest in participating in private mediation. The parties would prefer not to have to incur the substantial time and expense associated with expert and non-expert discovery at this time if it is possible that the case may resolve at mediation.
- 5. Accordingly, the parties agree to request that the Court modify the scheduling order as follows:

Plaintiff's Expert Witness Disclosure
Defendant's Expert Witness Disclosure
Supplemental/Rebuttal Expert Witnesses
Joint Mid-Litigation Statement
Discovery Cutoff
Dispositive Motions (filed by)
Dispositive Motions (heard by)
Joint Pretrial Conference Statement
Final Pretrial Conference
Trial Briefs
Trial

Old Date
January 18, 2013
February 15, 2013
March 5, 2013
April 5, 2013
April 19, 2013
July 10, 2013
September 6, 2013
September 13, 2013
October 7, 2013
October 21, 2013

New Date
March 1, 2013
March 29, 2013
April 12, 2013
April 26, 2013
May 15, 2013

1	6. Since the parties are not asking the Court to modify the dispositive motion, pretrial, or
2	trial dates at this time, the requested modification of the scheduling order will not prejudice either
3	party, and should not negatively impact the Court's schedule for this case.
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5	Respectfully submitted,
6	DATED: November 29, 2012 BENJAMIN B. WAGNER
7	United States Attorney
8	By: <u>/s/ Lynn Trinka Ernce</u> LYNN TRINKA ERNCE
9	Assistant United States Attorney
0	DATED: November 29, 2012
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2	By: /s/ Joseph A. Howell JOSEPH A. HOWELL
3	Attorneys for Plaintiff
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6	<u>ORDER</u>
7	IT IS SO ORDERED.
8	Dated: 11/29/2012 /s/ John A. Mendez JOHN A. MENDEZ
9	UNITED STATES DISTRICT COURT JUDGE
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