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 17 MEDCO HEALTH SOLUTIONS, INC.

18 UNITED STATES DISTRICT COURT
 19 EASTERN DISTRICT OF CALIFORNIA

20 MICHAEL DESRYS, as an Individual and
 21 on Behalf of All Others Similarly Situated,

22 Plaintiff,

23 v.

24 MEDCO HEALTH SOLUTIONS, INC., a
 25 Delaware Corporation, FEDERICO
 26 BUENROSTRO, Individually, KURATO
 27 SHIMADA, Individually, CHARLES
 28 VALDES, Individually, and DOES 1-100,
 Inclusive,

Defendants.

Case No. 11-CV-01626-LKK-DAD

**STIPULATION AND ORDER
 CONTINUING INITIAL STATUS
 (PRETRIAL SCHEDULING)
 CONFERENCE**

Complaint Filed: March 17, 2011
 Date Removed: June 16, 2011
 Trial Date: Not Yet Set

RECITALS

29 Currently on the Court's calendar for September 6, 2011 is the Initial Status (Pretrial
 30 Scheduling) Conference in this action. The pendency of that Conference means, among other
 31 things, that the parties face imminent deadlines relative to meeting and conferring and crafting a
 32 discovery plan in accordance with Federal Rule of Civil Procedure 26(f). In light of certain

1 recent occurrences in this action (described below), the parties wish to continue the September 6,
2 2011 Conference to a date of the Court's choosing on or after November 14, 2011.

3 The parties have recently filed—and the Court has entered—a stipulation and order under
4 which Plaintiff has twenty days to submit an amended complaint, and Defendants have thirty days
5 thereafter to respond. (CM/ECF Doc. No. 15.) The parties would ideally like to have the case “at
6 issue” before holding the Conference and complying with the various requirements attendant
7 thereto. Continuance of the Conference to a date on or after November 14 will significantly
8 increase the likelihood that the case will have achieved at-issue status, such that the parties can
9 undertake their obligations under Rule 26 with the benefit of having the pleadings settled.

10 **STIPULATION**

11 In light of the above, the parties HEREBY STIPULATE AND AGREE that the Initial
12 Status (Pretrial Scheduling) Conference shall be continued from September 6, 2011 to a date of
13 the Court's choosing on or after November 14, 2011.

14
15 DATED: July 27, 2011

WILKE, FLEURY, HOFFELT,
GOULD & BIRNEY, LLP

17 By: /s/Daniel L. Baxter
18 DANIEL L. BAXTER
19 Attorneys for Defendant
MEDCO HEALTH SOLUTIONS, INC.

20 DATED: July 27, 2011

HACKARD LAW, a Professional Corporation

22 By: /s/ Michael A. Hackard
23 MICHAEL A. HACKARD
Attorneys for Plaintiff
MICHAEL DESRYS et al.

24 DATED: July 27, 2011

26 By: /s/ Charles Valdes
27 CHARLES VALDES
28 Defendant

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Given the above, IT IS HEREBY ORDERED that the Initial Scheduling Conference, currently scheduled for September 6, 2011 is continued to November 14, 2011 at 10:00 a.m. in Courtroom 4. The parties shall file their status reports fourteen (14) days prior to the status conference.

Dated: July 28, 2011



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT

1 **PROOF OF SERVICE**

2 I, Teri Vargas, declare:

3 I am a citizen of the United States and employed in Sacramento County, California. I am
4 over the age of eighteen years and not a party to the within-entitled action. My business address
5 is 400 Capitol Mall, Twenty-Second Floor, Sacramento, California 95814. On June 27, 2011, I
6 served a copy of the within document(s):

7 **STIPULATION AND [PROPOSED] ORDER CONTINUING
8 INITIAL STATUS (PRETRIAL SCHEDULING)
9 CONFERENCE**

- 10 by transmitting via facsimile the document(s) listed above to the fax number(s) set
11 forth below on this date before 5:00 p.m.
- 12 by placing the document(s) listed above in a sealed envelope with postage thereon
13 fully prepaid, in the United States mail at Sacramento, California addressed as set
14 forth below.
- 15 by placing the document(s) listed above in a sealed _____ envelope and
16 affixing a pre-paid air bill, and causing the envelope to be delivered to a
17 _____ agent for delivery.
- 18 by personally delivering the document(s) listed above to the person(s) at the
19 address(es) set forth below.

18 Charles Valdes
19 4830 Kipling Drive
20 Carmichael, CA 95608

Kurato Shimada
8880 Wine Valley Circle
San Jose, CA 95135

21 I am readily familiar with the firm's practice of collection and processing correspondence
22 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
23 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
24 motion of the party served, service is presumed invalid if postal cancellation date or postage
25 meter date is more than one day after date of deposit for mailing in affidavit.

26 I declare that I am employed in the office of a member of the bar of this court at whose
27 direction the service was made.

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Executed on June 27, 2011, at Sacramento, California.

/s/ Teri Vargas
Teri Vargas