

Joel R. Bryant, Esq. (State Bar No. 149370)  
jbryant@gbflawyers.com  
GREEN BRYANT & FRENCH LLP  
1230 Columbia Street, Suite 1120  
San Diego, California 92101  
Tel: (619) 239-7900  
Fax: (619) 239-7800

Attorneys for Plaintiff, Hubert Godinez

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA**

HUBERT GODINEZ, an individual,	)	<b>CASE NO: CV11-02458-GEB-CMK</b>
	)	
PLAINTIFF,	)	<b>STIPULATION AND [PROPOSED]</b>
	)	<b>ORDER TO CONTINUE STATUS (PRE-</b>
v.	)	<b>TRIAL SCHEDULING) CONFERENCE</b>
	)	
AT&T MOBILITY SERVICES LLC, a	)	<b>Date:</b> December 12, 2011
Delaware Limited Liability Company; and	)	<b>Time:</b> 9:00 a.m.
DOES 1-100, jointly and severally,	)	<b>Dept.:</b> Courtroom 10
	)	<b>Judge:</b> Honorable Garland E. Burrell
DEFENDANTS.	)	
	)	

Pursuant to the Court's September 16, 2011 Order, a Status (Pretrial Scheduling) Conference in the above referenced matter was scheduled for December 12, 2011. The Order further required the parties to file a joint status report no later than fourteen (14) days prior to the scheduling conference. For the reasons set forth below, Plaintiff respectfully requests that the Court continue the Status Conference scheduled for December 12, 2011 to February 13, 2012, at 9:00 a.m.

On October 6, 2011, counsel for AT&T Mobility Services LLC ("AT&T Mobility") advised Plaintiff's counsel that none of the four Defendants named in the Complaint were proper parties to this case, and further advised that, based on the allegations of the Complaint, the only entity which should have been named as a Defendant was his client, AT&T Mobility. In reliance on those representations, Plaintiff filed a First Amended Complaint on October 25, 2011, which removed all prior Defendants, and named the new, current, Defendant AT&T Mobility. Said Defendant was subsequently served on November 4, 2011 via Waiver of Service of Summons. On November 15,

2011 Plaintiff received the signed Waiver of Service from Defendant and filed the Proof of Service with the Court. Defendant's answer to the complaint is due on January 3, 2012, and Plaintiff does not anticipate the Defendant will appear until that date.

Given that the new Defendant has not yet appeared, is not obligated to appear, and will not appear, as of the date of the scheduled Status (Pretrial Scheduling) Conference, there can be no Joint Status Report submitted to the Court at the conference or any time before then, and there will be no Pretrial Scheduling accomplished at the conference in the absence of the only Defendant's counsel. Accordingly, Plaintiff believes that continuing the Status (Pretrial Scheduling) Conference until February 13, 2012, would provide both parties ample and reasonable time to Meet and Confer and prepare the Joint Status Report.

NOW, THEREFORE, subject to the Court's approval, Plaintiff, by and through her counsel of record, respectfully asks the following:

1. That the Status (Pre-Trial Scheduling) Conference be continued from December 12, 2011, at 9:000 a.m., to February 13, 2012, at 9:00 a.m.; and
2. That the corresponding deadline to file the Joint Status Report be continued to January 30, 2012.

**GREEN BRYANT & FRENCH, LLP**

Dated: November 21, 2011

/s/ Joel R. Bryant  
Joel R. Bryant, Esq.  
Jbryant@gbflawyers.com  
Attorney for Plaintiff  
HUBERT GODINEZ

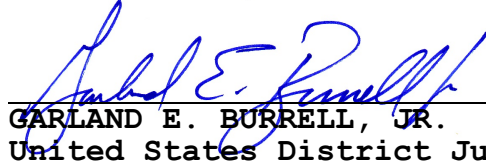
1 **ORDER**

2 **IT IS ORDERED THAT:**

3 1. The Status (Pre-Trial Scheduling) Conference is continued from December 12,  
4 2011, at 9:00 a.m., to February 13, 2012.

5 2. A joint status report shall be filed fourteen days prior to the hearing.

6 **Dated: November 22, 2011**

7   
8 GARLAND E. BURRELL, JR.  
9 United States District Judge