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26 Attorneys for Plaintiff EEOC

27 UNITED STATES DISTRICT COURT
 28 EASTERN DISTRICT OF CALIFORNIA

29 EQUAL EMPLOYMENT OPPORTUNITY
 30 COMMISSION,
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 32 Plaintiff,
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 34 v.
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 36 WAL-MART STORES, INC.,
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 38 Defendant.

Case No. 11-CV-03327-JAM-CKD

**STIPULATION AND ORDER
 CONTINUING TRIAL DATE**

Complaint Filed: December 15, 2011

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Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”) and Defendant Wal-Mart Stores, Inc. (“Defendant”) (collectively, the “Parties”) hereby stipulate, by and through their respective counsel, as follows:

WHEREAS, the Court’s September 21, 2012 Status (Pre-trial Scheduling) Order (“Status Order”) for this matter set various procedural deadlines and dates including setting the date of trial for **May 20, 2013**;

WHEREAS, the Parties agreed to stay certain fact discovery served or contemplated prior to mediation, to avoid incurring unnecessary fees and costs responding to and conducting such discovery should the matter be resolved at mediation;

WHEREAS, the Parties participated in mediation, with Daniel J. McVeigh, on October 22, 2012, but did not resolve this matter;

WHEREAS, following mediation, the Parties resumed fact discovery and propounded additional written discovery requests as well as sought to meet and confer regarding the scheduling of depositions on mutually available dates;

WHEREAS, the current deadline for fact discovery is December 21, 2012;

WHEREAS, defense counsel has limited availability to schedule depositions on or before December 21, 2012, because they are scheduled to take or defend approximately 25 to 30 depositions, in the latter half of November through December 2012, in other actions;

WHEREAS, defense counsel will thereafter be preparing for trial scheduled to begin on February 25, 2012;

WHEREAS, the Parties have proceeded with reasonable diligence to take all steps necessary to bring this action to issue and trial on March 25, 2013;

WHEREAS, the Parties desire to complete all fact discovery necessary to properly prepare their respective cases in this matter;

WHEREAS, despite the Parties’ good faith efforts to meet and confer to schedule depositions on or before December 21, 2012, the Parties have not been able to schedule

1 depositions on mutually available dates due to the limited availability of defense counsel prior to
2 December 21, 2012;

3 WHEREAS, various procedural deadlines and dates, pursuant to the Status Order, are
4 related to, or contingent upon, the Parties completing fact discovery by December 21, 2012;

5 WHEREAS, Plaintiff's counsel, for personal reasons, requests the trial take place after
6 next Summer;

7 THEREFORE, the Parties stipulate to continue the trial date from May 20, 2013 to
8 **September 23, 2013;**

9 THEREFORE, the Parties stipulate to continue the deadline for discovery, by a period of
10 twelve weeks, from December 21, 2012 to **March 15, 2013;**

11 THEREFORE, the Parties stipulate to set the deadline for filing dispositive motions to
12 **April 17, 2013;**

13 THEREFORE, the Parties stipulate that the hearing for dispositive motions will be on
14 **May 15, 2013 at 9:30 a.m.;**

15 THEREFORE, the Parties stipulate the deadline to file a joint pretrial conference
16 statement will be **August 9, 2013;** and

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THEREFORE, the Parties stipulate the Final Pretrial Conference will be held on August 16, 2013 at 11:00 a.m.

IT IS SO STIPULATED.

Dated: November 19, 2012

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ L. Julius M. Turman
L. JULIUS M. TURMAN
ADELMISE ROSEMÉ WARNER
PHILIP J. SMITH
Attorneys for Defendant
WAL-MART STORES, INC.

Dated: November 19, 2012

U.S. EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION

By /s/ David F. Offen-Brown
DAVID F. OFFEN-BROWN
Attorneys for Plaintiff EEOC

IT IS SO ORDERED.

Dated: 11/27/2012

/s/ John A. Mendez
HON. JOHN A. MENDEZ
United States District Court Judge