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26 UNITED STATES DISTRICT COURT
27
28 EASTERN DISTRICT OF CALIFORNIA

18 MICHAEL MILLER,

Case No. 2:12-cv-00514-JAM-GGH

19 Plaintiff,

**JOINT STIPULATION AND ORDER
TO CONTINUE TRIAL DATE,
DISPOSITIVE MOTION DEADLINE,
EXPERT WITNESS DISCLOSURES,
SUPPLEMENTAL EXPERT WITNESS
DISCLOSURES AND CLOSE OF
DISCOVERY**

20 v.

21 KONICA MINOLTA BUSINESS
22 SOLUTIONS U.S.A., INC., a New York
23 Corporation; and DOES 1 to 10, inclusive.,

24 Defendants.

25 **IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES TO THIS
ACTION, through their counsel of record, as follows:**

26 WHEREAS, this case is currently set for trial on April 15, 2014;

WHEREAS the final pre-trial conference is currently scheduled for February 21, 2014 at 10:00 a.m.;

WHEREAS the deadline to file dispositive motions is currently November 13, 2013;

WHEREAS the deadline for hearing dispositive motions is currently December 11, 2013;

WHEREAS the parties are mutually engaged in a good faith effort at informal settlement and are seeking to schedule a mediation date;

WHEREAS the parties agree that the trial and dispositive motions deadlines should be continued to facilitate such mediation;

WHEREAS defense counsel is out of the country from June 14, 2014 through July 5, 2014.

WHEREAS the deadline for promulgation of discovery is currently September 30, 2013;

WHEREAS, the parties have exchanged thousands of pages of documents as part of the Rule 26 initial disclosure process;

WHEREAS, the first phase of Plaintiff's deposition took place on November 15, 2012 and the second phase took place on June 13, 2013;

WHEREAS Plaintiff took the deposition of Defendant's Person Most Knowledgeable on June 14, 2013;

WHEREAS Plaintiff has noticed the deposition of Mario Hidalgo and the parties are in the meet and confer process as to the date on which this will go forward;

WHEREAS Defendant intends to subpoena for deposition Roger Kearney, Plaintiff's ex-supervisor, and the parties are in the meet and confer process as to the date on which this will go forward;

WHEREAS all parties agree that these depositions may reveal the need to propound written discovery and seek additional documents necessary to the resolution of this litigation;

WHEREAS the parties agree that further investigation and discussion is needed to develop Plaintiff's claims and Defendant's defenses;

WHEREAS the trial date was previously continued from January 13, 2014 by stipulation of the parties and order of this Court to facilitate discovery;

The parties do hereby stipulate to vacate the trial and pretrial conference dates.

The parties further stipulate that trial should not be set in this matter before May 20, 2014, as they will likely require an additional five (5) weeks to make a good faith attempt at mediation and complete the discovery necessary for any dispositive motions.

The parties further stipulate that the pretrial conference should not be set in this matter before March 4, 2014 and the deadline to file a joint pre-trial statement should not be set in the matter before March 28, 2014 for the same reasons.

The parties further stipulate that the deadline for dispositive motions should not be set in this matter before December 18, 2013 and the last day to have hearings on dispositive motions should not be set in this matter before January 22, 2014 for these same reasons.

The parties further stipulate that the deadline to complete discovery, including hearings on discovery motions, should be moved to November 11, 2013 to allow the parties full and complete investigation of their claims and defenses.

IT IS SO STIPULATED.

Dated: September 16, 2013

SEYFARTH SHAW LLP

By: /s/ Loren Gesinsky
Loren Gesinsky
Emily E. Barker
Attorneys for Defendant
KONICA MINOLTA BUSINESS
SOLUTIONS U.S.A., INC.

Dated: September 16, 2013

SHIMODA LAW CORP.

By: /s/ Justin P. Rodriguez
Galen T. Shimoda
Justin P. Rodriguez
Attorneys for Plaintiff
MICHAEL MILLER

ORDER

PURSUANT TO THE STIPULATION OF THE PARTIES, and finding good cause
therein, IT IS HEREBY ORDERED that the:

The trial date scheduled for April 15, 2014 is hereby vacated. The pre-trial conference date scheduled for February 21, 2014 is hereby vacated. A new trial date is set for June 2, 2014 at 9:00 a.m. A new pre-trial conference date is set for March 21, 2014 at 10:00 a.m. The last day for the parties to submit a joint pre-trial statement is March 14, 2014.

The November 13, 2013 deadline for filing of dispositive motions is continued to December 18, 2013 and the last day for hearing dispositive motion is continued to January 22, 2014 at 9:30 a.m.

The September 30, 2013 discovery deadline is moved to November 11, 2013.

Plaintiff(s) is directed to serve a copy of this Order at once on all parties to this action in accordance with the provisions of Rule 5 of the Federal Rules of Civil Procedure not enrolled in the e-filing program. Following service, the party causing the service shall file a certificate of service with the Clerk of Court.

IT IS SO ORDERED.

DATED: 9/16/2013

/s/ John A. Mendez
HON. JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE