



1 WHEREAS, the court issued a scheduling order (“order”) on or about May 16, 2013 (Doc.  
2 30); and

3 WHEREAS, pursuant to the order, all dispositive motions shall be filed by October 22, 2014  
4 and hearing on such motions shall be on November 19, 2014 at 9:30 a.m.; and

5 WHEREAS, on May 24, 2013, the parties filed a stipulation to modify the time limits to file  
6 an opposition and reply brief to any motions for summary judgment (Doc 32); and

7 WHEREAS, the May 24, 2013 stipulation provided that “Plaintiff would have four weeks  
8 (28 days) to file an opposition brief to a motion for summary judgment, instead of fourteen (14) days  
9 as provided by Local Rule 230(c)”;

10 WHEREAS, the May 24, 2013 stipulation provided that “the parties agreed Defendants  
11 would have fourteen (14) days to file a reply brief to any opposition to a motion for summary  
12 judgment, instead of seven (7) days as provided by Local Rule 230(d)”;

13 WHEREAS, on or about May 28, 2013, the court approved the May 24, 2013 stipulation  
14 between the parties to modify the time limits to file an opposition and reply brief to any motions for  
15 summary judgment as described above (Doc. 33); and

16 WHEREAS, on June 20, 2014, the parties filed a stipulation and order to continue the  
17 deadline to complete all discovery, but did not request any changes to the deadlines to file  
18 dispositive motions (October 22, 2014) or the date for hearing on such motions (November 19,  
19 2014) (Doc. 56); and

20 WHEREAS, on June 23, 2014, the court approved the parties’ stipulation as filed on June 20,  
21 2014 (Doc. 57); and

22 WHEREAS, the parties desire to abide by their prior stipulation regarding the time limits to  
23 file opposition and reply briefs to dispositive motions (Doc. 33); and

24 WHEREAS, the parties recently realized that if Defendants file a dispositive motion on or  
25 about the last day to file such motion, October 22, 2014, it is not feasible to have a hearing on such  
26 dispositive motion by November 19, 2014; and

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1 WHEREAS, the parties, recognizing this conflict, agree and stipulate to move only the  
2 hearing date for dispositive motions to December 17, 2014 or to a subsequent date the court deems  
3 necessary; and

4 WHEREAS, this request is not being made for the purpose of causing delay or for any other  
5 improper purpose; and

6 WHEREAS, continuing the above-referenced deadlines will not prejudice any party or their  
7 counsel; and

8 NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by Plaintiff and  
9 Defendants, through their respective attorneys of record, that this court continue the hearing on  
10 dispositive motions from November 19, 2014 to Wednesday, December 17, 2014 at 9:30 a.m., or a  
11 subsequent date the Court deems necessary as to avoid any conflict with the parties' stipulation  
12 regarding time limits to file opposition and reply briefs to dispositive motions.

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14 Date: September 29, 2014

SHIMODA LAW CORP.

15  
16 By: /s/ Galen T. Shimoda  
17 Galen T. Shimoda  
18 Attorneys for Plaintiff  
SUSI McFARLAND

19 Date: September 26, 2014

SAGASER, WATKINS & WIELAND PC

20  
21 By: /s/ Marcia A. Ross  
22 Marcia A. Ross  
23 (Approved on 9/26/2014)  
Howard Sagaser  
24 Ian B. Wieland  
Attorneys for Defendant  
ALMOND BOARD OF CALIFORNIA

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Date: September 26, 2014

LEVANGIE LAW GROUP

By: /s/ Sharon B. Futerman  
(Approved on 9/26/2014)  
Sharon B. Futerman  
LeVangie Law Group  
Attorney for Defendant  
TIM BIRMINGHAM

**IT IS SO ORDERED.**

Dated: 9/29/2014

/s/ John A. Mendez  
John A. Mendez  
U.S. DISTRICT COURT JUDGE