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CELLCO PARTNERSHIP D/B/A VERIZON
7 WIRELESS

8 UNITED STATES DISTRICT COURT
9 EASTERN DISTRICT OF CALIFORNIA

11 **NATHAN BRAUN,**

12 **Plaintiff,**

13 **v.**

14 **CELLCO PARTNERSHIP, a Delaware**
15 **Partnership doing business in the State of**
16 **California as VERIZON WIRELESS; and**
17 **DOES 1 through 25, inclusive,**

18 **Defendants.**

Case No. 2:13-CV-00872-WBS-EFB

**STIPULATION AND [PROPOSED]
ORDER AMENDING PRETRIAL
SCHEDULING ORDER TO ALLOW
FOR MEDIATION**

19 Plaintiff Nathan Braun (“Plaintiff”) and Defendant Cellco Partnership d/b/a Verizon
20 Wireless (“Defendant”) hereby stipulate as follows:

21 WHEREAS, pursuant to this Court’s Pretrial Scheduling Order dated September 20, 2013,
22 ECF No. 14, the discovery deadline in the above-captioned matter is set for June 2, 2014 and trial
23 is set for December 2, 2014;

24 WHEREAS, the parties have agreed to mediate this matter and the mediation will take
25 place within 45-60 days to accommodate the mediator’s schedule as well as the schedule of the
26 parties;

27 WHEREAS, in light of the parties’ intent to pursue mediation, the parties request a limited
28 modification of the Pretrial Scheduling Order to allow adequate time for the parties to prepare for

STIPULATION AND [PROPOSED] ORDER
AMENDING PRETRIAL SCHEDULING
ORDER TO ALLOW FOR MEDIATION.

1 and engage in mediation and to prepare for trial in the event a settlement is not reached;

2 WHEREAS, the agreed-upon schedule is not for the purpose of delay, promotes judicial
3 efficiency, and will not cause prejudice to any party;

4 WHEREAS, the parties have not sought any previous request to continue the dates in the
5 Pretrial Scheduling Order.

6 NOW THEREFORE, it is hereby stipulated and agreed, by and between Plaintiff and
7 Defendant, subject to the approval of the Court, that the Pretrial Scheduling Order is amended as
8 follows:

- 9 1. The discovery deadline of June 2, 2014 will remain the same, subject to three
10 modifications:
- 11 a. If the mediation is unsuccessful, Plaintiff may re-notice the depositions of
12 Cynthia Gomez-Jackson, Angel Ramirez, Joe Cayero, Jillian Sanguilliano,
13 and Kevin Zavaglia within 30 days of the unsuccessful mediation, subject
14 to any objections by Defendant or requests for protective order.
 - 15 b. If the mediation is unsuccessful, Defendant will respond to Plaintiff's
16 Request for Production of Documents, Set Three, within 15 days of the
17 unsuccessful mediation, subject to any objections.
 - 18 c. Plaintiff may submit a discovery dispute to the Court pursuant to Local
19 Rule 251 solely with respect to the following post-mediation discovery: (i)
20 Defendant's response to Plaintiff's Request for Production of Documents,
21 Set Three; and (ii) the depositions of Cynthia Gomez-Jackson, Angel
22 Ramirez, Joe Cayero, Jillian Sanguilliano, and Kevin Zavaglia. Plaintiff
23 must file and serve any dispute or discovery motion related to Defendant's
24 response to Plaintiff's Request for Production of Documents, Set Three
25 within 15 days of service of Defendant's response. Plaintiff must file and
26 serve any dispute or discovery motion related to the depositions listed in
27 this paragraph within 5 days of the noticed date of the individual's
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deposition. Plaintiff may not submit a discovery dispute or otherwise file any discovery motion that relates to Defendant’s discovery responses which were completed prior to the mediation. Plaintiff may, if necessary, file any motion to compel production of documents relating to subpoenas issued on or about May 16, 2014, to ADP Payroll Services, Inc. and Talx Ucm Services, Inc.

2. The trial date, currently set for December 2, 2014, is continued to February 10, 2015 at 9:00 a.m. The Pretrial Conference is continued to December 8, 2014 at 2:00 p.m.

All other deadlines and dates set forth in the Pretrial Scheduling Order stand. There will be no other waivers or deviations from the Pretrial Scheduling Order.

Dated: May 19, 2014
Respectfully submitted,
JONES DAY
By: /s/ Catherine S. Nasser
Catherine S. Nasser
Attorneys for Defendant
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS


Dated: May 19, 2014
Respectfully submitted,
PERKINS & ASSOCIATES
By: /s/ Natalia Asbill (as authorized on May 19, 2014)
Natalia Asbill
Attorneys for Plaintiff
NATHAN BRAUN

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ORDER

Pursuant to stipulation, **IT IS SO ORDERED.**

Dated: May 21, 2014



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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