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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**
Partnership doing business in the State of
 15 **California as VERIZON WIRELESS; and**
 16 **DOES 1 through 25, inclusive,**

17 **Defendants.**

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

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

18
 19 Plaintiff Nathan Braun (“Plaintiff”) and Defendant Cellco Partnership d/b/a Verizon
 20 Wireless (“Defendant”) hereby stipulate as follows:

21 WHEREAS, on May 19, 2014, the parties sought a limited modification of the Pretrial
 22 Scheduling Order to allow the parties to engage in mediation (ECF No. 15);

23 WHEREAS, on May 21, 2014, pursuant to the parties’ stipulation, this Court continued
 24 the trial date to February 10, 2015 and the Pretrial Conference to December 8, 2014 (Order
 25 Amending Pretrial Scheduling Order To Allow For Mediation, ECF No. 16);

26 WHEREAS, this Court’s May 21, 2014, Order provided that the mediation take place
 27 within 60 days, or before July 20, 2014;

28 STIP. & [PROPOSED] ORDER AMENDING PRETRIAL
 SCHED. ORDER & ORDER AMENDING SCHED.
 ORDER TO ALLOW FOR MEDIATION

1 WHEREAS, the parties' May 19, 2014 stipulation failed to address the deadline to file
2 motions (other than motions to compel discovery, motions for continuances, temporary
3 restraining orders, and other emergency applications), which was set for July 28, 2014 in the
4 Pretrial Scheduling Order (ECF No. 14);

5 WHEREAS, under the new schedule, such motions must be filed before the deadline to
6 conduct any re-noticed depositions, pursuant to the terms of this Court's May 21, 2014 Order, and
7 only eight days after the mediation deadline;

8 WHEREAS, the parties agree to continue the deadline to file motions (other than motions
9 to compel discovery, motions for continuances, temporary restraining orders, and other
10 emergency applications) to allow sufficient time to complete any re-noticed depositions in
11 advance of the deadline to file motions, and to allow the parties to engage in mediation without
12 simultaneously preparing motions;

13 WHEREAS, the parties also agree to clarify the deadline by which any re-noticed
14 depositions must be taken;

15 WHEREAS, the parties stipulate that:

16 (a) Any depositions re-noticed within 30 days following an unsuccessful mediation must
17 also be taken and completed within that same 30-day period, and in any event no later than
18 August 19, 2014, subject to objections, motions for protective order, or other court order; and

19 (b) The deadline to file motions (other than motions to compel discovery, motions for
20 continuances, temporary restraining orders, and other emergency applications), which is currently
21 set for July 28, 2014, should be continued to September 15, 2014, subject to all depositions
22 having been re-noticed and taken;

23 WHEREAS, the parties' request to continue the motion deadline is not for the purpose of
24 delay, promotes judicial efficiency, and will not cause prejudice to any party;

25 WHEREAS, the parties have sought one previous modification of the dates in the Pretrial
26 Scheduling Order.

1 NOW THEREFORE, it is hereby stipulated and agreed, by and between Plaintiff and
2 Defendant, subject to the Court's approval, that the Pretrial Scheduling Order (ECF No. 14) and
3 Order Amending Pretrial Scheduling Order to Allow for Mediation (ECF No. 16) are amended as
4 follows:

5 1. As stated in this Court's Order on May 21, 2014, Plaintiff may re-notice the
6 depositions of Cynthia Gomez-Jackson, Angel Ramirez, Joe Cayero, Jillian Sanguilliano, and
7 Kevin Zavaglia within 30 days of an unsuccessful mediation; any such depositions must be re-
8 noticed and taken within the 30-day period following an unsuccessful mediation, and in any event
9 must be re-noticed and taken no later than August 19, 2014, subject to objections, motions for
10 protective order, or other court order;

11 2. The deadline to file motions (other than motions to compel discovery, motions for
12 continuances, temporary restraining orders, and other emergency applications), currently set for
13 July 28, 2014, shall be continued to September 15, 2014, subject to all depositions having been
14 re-noticed and taken no later than August 19, 2014, subject to objections, motions for protective
15 order, or other court order.

16 3. All other deadlines and dates set forth in the Pretrial Scheduling Order (ECF No. 14)
17 and this Court's May 21, 2014 Order (ECF No. 16) stand.

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Respectfully submitted,

Dated: May 30, 2014

JONES DAY

By: /s/ Catherine S. Nasser
Catherine S. Nasser

Attorneys for Defendant
CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS

Dated: May 30, 2014

PERKINS & ASSOCIATES

By: /s/ Natalia Asbill (as authorized on May 30, 2014)
Natalia Asbill

Attorneys for Plaintiff
NATHAN BRAUN

PROPOSED ORDER

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

Dated: June 5, 2014.



EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE

SFI-862550v1