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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION

13 **RANDY M. CORDERO,**
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 Plaintiff,
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 v.
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 17 **NICK GUZMAN, et al.,**
 18
 Defendants.

No. 2:13-cv-01551 JAM-KJN

**STIPULATED REQUEST TO
 CONTINUE TRIAL DATE AND
 PRETRIAL-CONFERENCE DEADLINES
 AND ORDER**

Trial Date: June 26, 2017
 Action Filed: July 16, 2013

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 20 Under Federal Rules of Civil Procedure 16(b)(4) and Local Rule 143, the parties, through
 21 their respective counsel of record, agree to and request a continuance of the pretrial-conference
 22 related deadlines and the June 26, 2017 trial date. Good cause exists to grant this stipulated
 23 request because the parties' attorneys will not be available on the current deadlines.

24 A scheduling order may be modified only upon a showing of good cause and by leave of
 25 Court. Fed. R. Civ. P. 16(b)(4); *see, e.g., Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604,
 26 609 (describing the factors a court should consider in ruling on such a motion). In considering
 27 whether a party moving for a schedule modification has good cause, the Court primarily focuses
 28 on the diligence of the party seeking the modification. *Johnson*, 975 F.2d at 609 (citing Fed. R.

1 Civ. P. 16 advisory committee's notes of 1983 amendment). "The district court may modify the
2 pretrial schedule 'if it cannot reasonably be met despite the diligence of the party seeking the
3 amendment.'" *Id.* (quoting Fed. R. Civ. P. 16 advisory committee notes of 1983 amendment).
4 The Court may also consider the prejudice to the party opposing the modification. *Id.*

5 Good cause exists to grant this stipulated request because the parties' attorneys have a
6 conflict with the current pretrial-conference-hearing and trial dates. On December 20, 2016, the
7 Court issued a Minute Order setting trial for June 26, 2017. (ECF No. 133.) The Court also set
8 the Pretrial Conference hearing for May 26, 2017. Defense counsel is already scheduled to start
9 trial on June 26, 2017 in *Barron v. Martel* (E.D. Cal. No. 2:10-cv-1567 MCE-DB) before Judge
10 England. Trial in *Barron* was set on December 2, 2016. (*See Barron* Dkt. ECF No. 123.)
11 Further, counsel for Plaintiff, Kala Sherman-Presser, is scheduled to be out of the country during
12 the week of May 26, 2017. Ms. Sherman-Presser is the lead attorney, and her presence and
13 participation at the Pretrial Conference is essential.

14 Defense counsel immediately informed Plaintiff's attorneys of her conflict with the current
15 trial date, and contacted the Court's Courtroom Deputy to inquire of other available dates for trial.
16 The parties were informed that the Court is available on July 24, 2017, and have agreed to this
17 date. Accordingly, the parties respectfully request that trial be continued to July 24, 2017.¹

18 The parties further request that the Pretrial Conference hearing be continued to June 21,
19 2017, or any other date around this time that is convenient to the Court, and that the Joint Pretrial
20 Statement be due seven days before the Pretrial Conference hearing. The parties agree that all

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26 ¹ The parties were informed that the Court is also available for trial on July 17 and August
27 7, 2017. If the July 24, 2017 date is no longer available, the parties are agreeable to trial on July
28 17 or August 7, 2017 (in order of preference).

1 other deadlines set in the Court's December 20, 2016 Minute Order (ECF No. 133) remain the
2 same. Although not set out in the Minute Order, the parties have agreed to complete expert
3 discovery by no later than June 2, 2017.

4 IT IS SO STIPULATED.

5 Dated: December 27, 2016

Respectfully submitted,

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CHRISTOPHER J. BECKER
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/s/ Diana Esquivel

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DIANA ESQUIVEL
Deputy Attorney General
Attorneys for Defendant

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Dated: December 27, 2016

LATHAM & WATKINS LLP

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/s/ Kala Sherman-Presser

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KALA SHERMAN-PRESSER
Attorneys for Plaintiff

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