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17 UNITED STATES DISTRICT COURT  
 18 EASTERN DISTRICT OF CALIFORNIA

19 DUARTE NURSERY, INC., a  
 20 California Corporation; and  
 21 JOHN DUARTE, an individual,

Plaintiffs,

v.

22 UNITED STATES ARMY CORPS OF  
 23 ENGINEERS,

Defendant.

No. CIV. S-13-2095 LKK/DAD

**STIPULATION AND JOINT REQUEST TO  
 CONTINUE STATUS CONFERENCE**

1 UNITED STATES OF AMERICA,  
2 Counterclaim-  
3 Plaintiff,  
4 v.  
5 DUARTE NURSERY, INC., a  
6 California Corporation; and  
7 JOHN DUARTE, an individual,  
8 Counterclaim-  
9 Defendants.

10 **STIPULATION AND JOINT REQUEST TO CONTINUE STATUS CONFERENCE**

11 Duarte Nursery, Inc. and John Duarte ("Duarte") and the  
12 United States of America ("United States") (collectively, the  
13 "Parties") respectfully request an order from the Court  
14 continuing the status conference until July 21, 2014 or later.  
15 The Parties state the following in support of this request:

16 Duarte filed the Complaint on October 1, 2013. ECF No. 1.  
17 The United States moved to dismiss Duarte's Complaint on December  
18 23, 2013, and the Court heard this motion on February 10, 2014,  
19 taking the motion under submission. ECF No. 10.

20 The Court continued the initial status conference scheduled  
21 for January 13, 2014 until March 24, 2014 and then until June 23,  
22 2014 because the motion to dismiss was then pending. ECF No. 24.  
23 On April 23, 2014, the Court denied the United States' motion to  
24 dismiss. ECF No. 27. The United States subsequently filed an  
25 Answer to the Complaint and a Counterclaim against Duarte on May  
26 7, 2014. ECF No. 28. On May 14, 2014 the parties stipulated to  
27 extend the deadline for Duarte to respond to the United States'  
28 Answer and Counterclaim until June 23, 2014, the same dates as

1 the currently scheduled status conference.

2 Although the parties recognize that continuances of status  
3 conferences are disfavored by this Court, continuing the status  
4 conference until July 21, 2014 or later would promote judicial  
5 economy and conserve the resources of the Court and Parties.  
6 Moving the status conference until after Duarte files a  
7 responsive pleading will allow the Parties to more effectively  
8 meet and confer, address the scheduling of this case, and file  
9 comprehensive status reports for the Court's consideration.

10 Therefore, the Parties now stipulate and respectfully  
11 request that the Court continue the June 23, 2014 status  
12 conference until July 21, 2014 or later.

13  
14 Respectfully submitted,

15 PACIFIC LEGAL FOUNDATION

16 Dated: May 15, 2014

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**ORDER**

Good cause appearing, it is hereby ordered that the status conference set for June 23, 2014, is reset to September 22, 2014 at 1:30 p.m. All parties shall file further status reports not later than fourteen days prior to that date.

DATED: June 2, 2014.



LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT