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8 **IN THE UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**

10 ALEX ZIVKOVICH, et al.,

11 Plaintiff,

12 v.

13 UNITED STATES OF AMERICA,

14 Defendant.

CASE NO. 2:14-cv-01198-MCE-KJN

**STIPULATION AND ORDER
REGARDING PRETRIAL
SCHEDULING ORDER AND TRIAL
DATES**

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16 This case was removed to this Court in May 2014. (*See* Dkt. No. 1). The parties have proceeded
17 diligently, completing discovery motion practice in this case. A conflict has arisen regarding the trial
18 date of May 9, 2016, however. Counsel for the United States has been notified that a long-pending Ninth
19 Circuit appeal is likely to be set during the week of May 9. In addition, counsel for the United States is
20 set for a jury trial in the Northern District of California on May 23, 2016, which would conflict with the
21 trial in this matter. Thus, as set forth below, the parties request a continuation of the trial date and
22 associated pretrial deadlines.

23 Such an adjustment will not only permit the efficient presentation of evidence, but will also
24 permit counsel to work diligently towards settling this matter. Settlement discussions have been ongoing
25 throughout this case, and both parties agree that this is an appropriate case for settlement. Should the
26 parties require the Court's assistance in setting a settlement conference, they will file a further stipulation
27 and proposed order requesting a Court-sponsored settlement conference. At this time, however, the
28 parties believe that they can resolve this matter more efficiently with direct negotiations.

1 Thus, counsel hereby stipulate, and propose, as follows:

2 (1) That the bench trial in this matter be continued to October 17, 2016;¹

3 (2) That the Joint Pretrial Statement be filed on or before August 4, 2016;

4 (3) That the motion *in limine* schedule be as follows: Evidentiary or procedural motions be
5 filed on or before August 4, 2016; Oppositions be filed on or before August 11, 2016, and reply briefs be
6 filed on or before August 18, 2016;

7 (4) That the Joint Pretrial Conference be continued to August 25, 2016.

8 (5) That Trial Briefs be filed on or before October 3, 2016.

9 In addition, the parties inform the Court that they currently estimate that trial will be no more than six days,
10 rather than the eight days originally estimated.

11 Respectfully Submitted,

12 DATED: February _1, 2016

BENJAMIN B. WAGNER
United States Attorney

13
14 By: /s/ Gregory T. Broderick
15 GREGORY T. BRODERICK
Assistant United States Attorney

16 DATED: February _1, 2016

DREYER BABICH BUCCOLA WOOD
CAMPORA, LLP

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18 By: /s/ Joseph R. Yates (auth 02/1/2016)
19 JOSEPH R. YATES
Counsel for Plaintiff

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26 _____
27 ¹ Counsel for the United States in this matter is also counsel of record in *Valentich v. United States*,
28 2:14-cv-01902-MCE-CMK, which is also set for a bench trial on October 17, 2016, before Chief
Judge England. The parties in *Valentich* are discussing and preparing a stipulation and proposed
order for an earlier trial date in that case, which is likely to be filed in the next several weeks.

1 **ORDER**

2 Good Cause Appearing, IT IS HEREBY ORDERED that

3 (1) The trial date be continued from May 9, 2016, to October 17, 2016. Counsel's
4 current estimated time for trial is six days.

5 (2) That the Joint Pretrial Statement be filed on or before August 4, 2016;


6 (3) That evidentiary or procedural motions be filed on or before August 4, 2016;
7 Oppositions be filed on or before August 11, 2016, and reply briefs be filed on or before August 18,
8 2016;

9 (4) That the Joint Pretrial Conference be continued to August 25, 2016.

10 (5) That Trial Briefs be filed on or before October 3, 2016.

11 **IT IS SO ORDERED.**

12 **Dated: February 10, 2016**

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14 MORRISON C. ENGLAND, JR., CHIEF JUDGE
15 UNITED STATES DISTRICT COURT
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