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 Attorneys for Mark T. Esper,
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 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE EASTERN DISTRICT OF CALIFORNIA
 10

11 GRACIELA CONTRERAS,
 12 Plaintiff,
 13 v.
 14 MARK T. ESPER, SECRETARY OF THE
 U.S. ARMY,
 15 Defendant.
 16

Case No. 2:14-CV-01282-KJM-KJN

**JOINT STIPULATION REGARDING
 MODIFICATION TO SUMMARY JUDGMENT
 BRIEFING SCHEDULE AND ORDER**

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 18 Plaintiff Graciela Contreras and Defendant Mark Esper, Secretary of the United States Army, by
 19 and through their counsel, stipulate and respectfully request that the deadline for Defendant’s reply in
 20 support of his motion for summary judgment be extended from February 8, 2019 to March 8, 2019, and
 21 that the hearing be continued from March 8, 2019 to March 22, 2019. *See* 12/18/2018 Order [ECF No.
 22 106]. There is good cause to modify the schedule due to the lapse in appropriations that began at the
 23 end of the day on December 21, 2018 and continued until January 25, 2019, during which time work on
 24 civil cases such as this one was prohibited. In addition, undersigned defense counsel was in a jury trial
 25 that began on January 10, 2019 and completed on January 28, 2019.

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1 The parties, by and through their counsel, stipulate and respectfully request the following
2 modification to the current schedule:

| | <u>Current</u> | <u>Proposed</u> |
|---------------------|------------------|--|
| 3 Defendant's Reply | February 8, 2019 | March 8, 2019 |
| 4 Hearing | March 8, 2019 | March 22, 2019 at 10:00 a.m. 5 (Plaintiff's counsel to appear by telephone) |

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7 The parties also stipulate to Plaintiff's request to appear telephonically at the hearing.
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10 DATED: January 31, 2019

Respectfully submitted,

11 MCGREGOR W. SCOTT
United States Attorney

12 /s/ Chi Soo Kim

13 CHI SOO KIM
Assistant United States Attorney
14 Attorneys for Defendant Mark T. Esper

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17 DATED: January 31, 2019

/s/ Rodney Williams (auth'd 1/31/2019)

18 RODNEY WILLIAMS
Attorneys for Plaintiff

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21 **ORDER**

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23 The court ADOPTS in part the parties' stipulation as to the summary judgment schedule:
24 defendant's reply is due February 8, 2019 and the court will hear the motion on March 22, 2019 at 10:00
25 a.m. Absent good cause, however, the court requires personal appearance at motion hearings and
26 therefore DECLINES to adopt the parties' stipulation for plaintiff's counsel to appear by phone.

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IT IS SO ORDERED.

DATED: February 4, 2019.


UNITED STATES DISTRICT JUDGE