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

12 **GRACIELA CONTRERAS,**

13 Plaintiff,

14 v.

16 **JOHN M. MCHUGH, ET AL.**

17 Defendants.

2:14-CV-1282--KJM-KJN

**JOINT STIPULATION TO
 CONTINUE THE STATUS
 (PRETRIAL SCHEDULING)
 CONFERENCE; ORDER**

Date: January 26, 2018
 Time: 10:00 a.m.
 Courtroom: 3
 Judge: The Honorable Kimberly
 J. Mueller
 Trial Date: None Set
 Action Filed: May 27, 2014

20 The parties jointly request and stipulate that the Status (Pretrial Scheduling)
 21 Conference currently set for January 26, 2018, be continued until after the Court
 22 rules on the three pending Motions to Dismiss also set for January 26, 2018.

23 **RELEVANT PROCEDURAL FACTS**

24 Plaintiff Graciella Contreras filed her initial complaint pro se on May 27,
 25 2014, a “supplemental” on June 23, 2014, and a First Amended Complaint on
 26 August 17, 2015 [ECF Nos. 1, 3, 9]. Summonses were issued and served between
 27 January 2017 and July 2017 [ECF Nos. 13-14, 17-32, 36-37, 39, 41-46, 52-53].
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1 On June 23, 2017, the STATE DEFENDANTS¹ filed a Motion to Dismiss
2 [ECF No. 47] Plaintiff's First Amended Complaint. On June 26, 2017,
3 GOVERNOR BROWN separately filed a Motion to Dismiss [ECF Nos. 50, 51] and
4 both motions were set for hearing on September 6, 2017. On July 7, 2017, the
5 FEDERAL DEFENDANTS filed a motion to dismiss with a September 13, 2017,
6 hearing date [ECF No. 54] and on July 20, 2017, the Court continued GOVERNOR
7 BROWN'S and the STATE DEFENDANTS' motion to September 13, 2017 [ECF
8 No. 57].

9 On August 11, 2017, because this matter was related to the prior Contreras
10 lawsuits, it was reassigned to Magistrate Judge Kendall J. Newman, who reset all
11 three motions to dismiss to September 28, 2017 [ECF Nos. 58, 60, 61]. On August
12 23, 2017, the STATE and FEDERAL DEFENDANTS' motions were continued to
13 October 26, 2017, by stipulation and order because of the unavailability of counsel
14 on the new hearing date [ECF No. 63]. On the same date and on its own motion,
15 the Court continued GOVERNOR BROWN'S motion to October 26, 2017 [ECF
16 No. 64].

17 Plaintiff subsequently retained counsel and on October 2, 2017, Plaintiff's
18 counsel appeared in the case for the first time [ECF No. 66] and on October 4,
19 2017, all hearing dates were vacated pending referral to District Judge Kimberly J.
20 Mueller [ECF No. 67]. On October 5, 2017, District Judge Mueller set a Status
21 (Pretrial Scheduling) Conference for January 4, 2018 (ECF No. 68). On October
22 12, 2017, the Court granted the parties' request to reset the three motions to dismiss
23 to January 26, 2018, to allow Plaintiff's new counsel time to get up to speed on the
24 case [ECF No. 71]. On October 17, 2017, on the Court's own motion, the Status
25 (Pretrial Scheduling) Conference set for January 4, 2018 was vacated and reset for
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27 ¹ The STATE DEFENDANTS are the California Military Department, Kevin Ellsworth,
28 David Kauffman, and Anni Loeb, but do not include GOVERNOR BROWN.

1 January 28, 2018 [ECF No. 72]. On November 13, 2017, the Court admitted
2 Plaintiff's second counsel, Rodney Williams, pro hac vice [ECF No. 74].

3 On December 4, 2017, Plaintiff filed separate oppositions to the motion to
4 dismiss of the STATE DEFENDANTS [ECF No. 83] and to the FEDERAL
5 DEFENDANTS [ECF No. 94], but did not file and serve an opposition to
6 GOVERNOR BROWN'S motion to dismiss. Each Defendant filed a reply [ECF
7 85, 87, 88]. The Motions to Dismiss are all set to be heard on January 26, 2018, the
8 same date as the Status (Pretrial Scheduling) Conference [ECF Nos. 71, 72].

9 **REASONS FOR CONTINUANCE**

10 For a variety of reasons, including unavailability of counsel, multiple judicial
11 reassignments, and Plaintiff's retention of counsel, the hearing on Defendants'
12 respective Motions to Dismiss has been continued several times from September
13 13, 2017 to the current date of January 26, 2018, the same date as the Status
14 (Pretrial Scheduling) Conference. The parties met and conferred on January 8,
15 2018, pursuant to Rule 26, and agreed that it would be more efficient to conduct the
16 Rule 26 meeting of counsel and the subsequent Status (Pretrial Scheduling)
17 Conference *after* the Court rules on the pending Motions to Dismiss because if
18 granted, even in part, the motions have the potential to eliminate at some of the
19 thirty (30) named defendants and thirteen (13) causes of action from the lawsuit.

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21 **THE PARTIES REQUEST AND STIPULATE THAT:**

22 1. The Status (Pretrial Scheduling) Conference currently scheduled for
23 January 26, 2018, be continued to a date to be determined after the Court rules on
24 the three Motions to Dismiss currently set for January 26, 2018.

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1 **IT IS SO STIPULATED.**

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3 Dated: January 11, 2018

XAVIER BECERRA
Attorney General of California

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/s/ Celine M. Cooper

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CELINE M. COOPER
Supervising Deputy Attorney General
Attorneys for Defendant
Governor Edmund J. Brown

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9 Dated: January 11, 2018

XAVIER BECERRA
Attorney General of California
DAVID J. NEILL
Supervising Deputy Attorney General

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/s/ Matthew T. Besmer

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MATTHEW T. BESMER
Deputy Attorney General
Attorneys for State Defendants (excluding
Brown)

14

15

16 Dated: January 11, 2018

PHILLIP A. TALBERT
United States Attorney

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18

/s/ Cho Soo Kim

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CHI SOO KIM
Assistant United Attorney
Attorneys for Federal Defendants

20

21

22 Dated: January 11, 2018

RODNEY WILLIAMS
ARNOLD D. SAMUEL

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/s/ Rodney Williams

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RODNEY WILLIAMS
Attorneys for Plaintiff

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ORDER

With good cause appearing on the parties' Stipulation to Continue the Status (Pretrial Scheduling) Conference, it is hereby ORDERED that the Status (Pretrial Scheduling) Conference presently scheduled for January 26, 2018 at 10:00, be continued to a date to be determined after the three pending Motions to Dismiss are ruled on.

IT IS SO ORDERED.

DATED: January 17, 2018.


UNITED STATES DISTRICT JUDGE