

1 ALESA SCHACHTER, ESQ. (SBN 102542)
2 JASON M. SHERMAN, ESQ. (SBN 245190)
3 JOHNSON SCHACHTER & LEWIS
4 A Professional Law Corporation
5 California Plaza
6 2180 Harvard Street, Suite 560
7 Sacramento, CA 95815
8 Telephone: (916) 921-5800
9 Facsimile: (916) 921-0247
10 E-mail: ales@jsl-law.com
11 E-mail: jason@jsl-law.com

12 Attorneys for DEFENDANT:
13 LODI UNIFIED SCHOOL DISTRICT

14 **UNITED STATES DISTRICT COURT**
15 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

16 JEANNE KITCHEN,

17 Plaintiff,

18 v.

19 LODI UNIFIED SCHOOL DISTRICT;
20 CATHERINE NICHOLS-WASHER, in her
21 official capacity as Superintendent of the Lodi
22 Unified School District, NEIL YOUNG in his
23 official capacity as Director of Personnel of
24 the Lodi Unified School District,

25 Defendants.

26 **CASE NO. 2:14-cv-01436-WBS-EFB**

27 **STIPULATION AND ORDER FOR**
28 **EXTENSION TO LODI UNIFIED**
SCHOOL DISTRICT TO FILE
RESPONSIVE PLEADING TO
PLAINTIFF'S FIRST AMENDED
COMPLAINT

Complaint Filed: June 16, 2014
Trial Date: None Set

29 Pursuant to Local Rule 144(a), the parties agree and stipulate that Defendant LODI
30 UNIFIED SCHOOL DISTRICT (hereinafter "District") should be granted additional time to file
31 a responsive plead to Plaintiff's First Amended Complaint for the following reasons:

- 32 - Plaintiff has chosen to sue and name two individual defendants in their official
33 capacities in the First Amended Complaint: Dr. Catherine Nichols-Washer and Neil
34 Young;
- 35 - The law firm of Johnson Schachter & Lewis, a P.L.C. will be representing Dr.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Washer and Mr. Young in this litigation;

- Dr. Washer and Mr. Young have authorized defense counsel to accept service of the this lawsuit on their behalf via Waiver of Service under Rule 4(d);
- All Defendants intend to file a motion to dismiss and possibly a motion to strike;
- As the District has already been served, it would ordinarily be required to file its motion(s) within 14 days;
- However, under Rule 4(d)(3), Dr. Washer and Mr. Young will not be required to file their motions until 60 days after service of the Waiver of Service;
- If the District is not granted an extension, then defense counsel will be required to file multiple motions with potentially multiple hearing dates.

The parties therefore agree and stipulate that the District should be granted an extension to file its responsive motions to the First Amended Complaint to match Dr. Washer’s and Mr. Young’s time to file their responsive motions. This extension will avoid unnecessary duplication of filings, effort and expenditures.

The parties request an order from the Court that the District’s time to file its responsive motions to Plaintiff’s First Amended Complaint is extended to match the time for when Dr. Washer’s and Mr. Young’s responsive motions will be due for filing.

Dated: December 3, 2014

JOHNSON SCHACHTER & LEWIS
A Professional Law Corporation

By: /s/ Alesa Schachter
ALESA SCHACHTER
JASON M. SHERMAN
Attorneys for Defendant LODI UNIFIED
SCHOOL DISTRICT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: December 3, 2014

THE LEGAL AID SOCIETY - EMPLOYMENT
LAW CENTER

By: /s/ Jinny Kim (authorized on December 2,
2014)

JINNY KIM
Attorneys for Plaintiff, JEANNE KITCHEN

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 3, 2014



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PROOF OF SERVICE

CASE NAME: Kitchen v. Lodi Unified School District
CASE NO.: 2:14-cv-01436-WBS-EFB

I am employed in the County of Sacramento. I am over the age of eighteen years and not a party to the within above-entitled action. My business address is 2180 Harvard Street, Suite 560, Sacramento, CA 95815.

I am familiar with this office's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a United States mailbox after the close of each day's business.

On the date set forth below, I served the following: **STIPULATION AND ORDER FOR EXTENSION TO LODI UNIFIED SCHOOL DISTRICT TO FILE RESPONSIVE PLEADING TO PLAINTIFF'S FIRST AMENDED COMPLAINT**

— United States Mail - on all parties in said action by placing a true copy of the above described document(s) enclosed in a sealed envelope in the designated area for outgoing mail addressed as set forth below.

X ELECTRONIC SERVICE - by causing such document to be served electronically to the addressees listed below.

— By FACSIMILE (telecopier) - by personally sending to the addressee's facsimile number a true copy of the above-described document(s).

— Federal Express - on all parties in said action by placing a true copy of the above-described document(s) in an authorized area for pick-up by an authorized express service courier the same day it is collected and processed in the ordinary course of business as set forth below.

— Personal Service - By personally delivering or causing to be delivered a true copy of the above-described document to the person(s) and at the address(es) set forth as shown below.

Jinny Kim, Esq.
The Legal Aid Society – Employment Law Center
180 Montgomery Street, Suite 600
San Francisco, CA 94104-4244
(415) 964-8848
FAX (415) 593-0096
E-mail: jkim@las-elc.org

X FEDERAL: I declare that I am employed in the office of a member of the bar of this Court at whose direction service was made.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on December 3, 2014, at Sacramento, California.

/s/ Doreen Guth
DOREEN GUTH