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UNIFIED SCHOOL DISTRICT

14
 15 IN THE UNITED STATES DISTRICT COURT
 16 FOR THE EASTERN DISTRICT OF CALIFORNIA

17 LILY CERVANTES)	Case No. 2:15-cv-00060-KJM-AC
)	
18 Plaintiff,)	
)	STIPULATED JOINT REQUEST AND
19 v.)	ORDER TO MODIFY STATUS
)	(PRETRIAL SCHEDULING) ORDER
20 STOCKTON UNIFIED SCHOOL DISTRICT)	
21 and DOES I through XX, inclusive,)	
)	
22 Defendant.)	
)	

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 24 Plaintiff Lily Cervantes (“Plaintiff”) and Defendant Stockton Unified School District
 25 (“Defendant”), collectively (“the Parties”), by and through their respective undersigned counsel,
 26 hereby stipulate and jointly request that the discovery deadline be extended to August 15, 2016,
 27 solely for the purpose of taking Dr. Sheree Audet’s deposition, and that the hearing deadline for
 28 dispositive motions be extended to September 30, 2016.

1 The discovery deadline currently is June 28, 2016. The hearing deadline for dispositive
2 motions currently is August 26, 2016.

3 There is good cause for moving these dates. Plaintiff alleges in her operative complaint
4 that Defendant laid off plaintiff effective July 1, 2014, because of her race, sex, and/or age. Before
5 the layoff, Plaintiff was Defendant's Executive Director of Legal Affairs. She alleges that the
6 primary discriminatory actor was Defendant's former Superintendent, Steven Lowder. At the time
7 of Plaintiff's layoff, Dr. Sheree Audet was the Deputy Superintendent. Dr. Audet left Defendant's
8 employ soon after Plaintiff's layoff.

9 Plaintiff believes that Dr. Audet is an important witness. Defendant produced in discovery
10 administrative claims filed by Dr. Audet against Defendant in late 2014. In those claims, Dr.
11 Audet alleges, among other things, that Dr. Lowder told her that he wanted to "'set up' [the
12 termination of three older Hispanic females, including Ms. Cervantes] so it would not look like
13 discrimination on gender, race, or age, since all were Hispanic females and over the age of 50."
14 (SUSD 007833.) Dr. Lowder denied this allegation at his deposition. Dr. Audet also alleged that
15 she was Ms. Cervantes's direct supervisor, but that she was not "asked for [her] recommendation
16 nor was [she] involved in th[e] decision" to layoff Ms. Cervantes. It thus came as a "complete
17 surprise" to Dr. Audet when Dr. Lowder informed her that he had decided to eliminate Ms.
18 Cervantes's position. (SUSD 007835.)

19 For several months, Plaintiff has been attempting to locate Dr. Audet for a deposition,
20 again who does not work for Defendant. Defense counsel also explained that Defendant did not
21 know her whereabouts, and that it could not produce for her a deposition. Plaintiff's counsel
22 subsequently learned, earlier this year, that Dr. Audet is living and working in Abu Dhabi in the
23 United Arab Emirates. Plaintiff's counsel also has been informed that Dr. Audet is returning to
24 Northern California for six weeks starting in July 2016. Plaintiff's counsel and Defense counsel
25 have been meeting and conferring about what to do, and ultimately determined that they could not
26 arrange for her deposition in Abu Dhabi. Thus, the Parties have agreed to stipulate to extend the
27 discovery deadline from June 28, 2016 to August 15, 2016, *solely for the purpose of taking the*
28 *deposition of Dr. Audet and not for any other purpose.* The Parties also have agreed to work

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1 together to find an agreeable date, for each Party as well as Dr. Audet, to take the deposition, and
2 that every effort would be made to take the deposition as soon as possible, schedules permitting,
3 and that in no event would that deposition occur after August 15, 2016.

4 Defendant currently intends to file a dispositive motion in this case. Even so, the decision
5 about whether to file a motion and the content of the motion may be dependent on what occurs at
6 Dr. Audet's deposition. Thus, the Parties request that the hearing deadline for dispositive motions
7 be extended to September 30, 2016. That will give Defendant sufficient time to prepare any
8 dispositive motion after Dr. Audet's deposition, even assuming that deposition cannot be
9 scheduled until close to August 15, 2016.

10 The Parties understand that the Court may wish to adjust other dates based on moving the
11 deadlines discussed above. Thus, the Parties would be available for telephonic or in-person
12 conference to discuss the above, if the Court believes it is necessary.

13 Accordingly, the Parties hereby jointly stipulate and request that the discovery deadline be
14 extended to August 15, 2016, solely to permit the taking of Dr. Sheree Audet's deposition, and
15 that the hearing deadline for dispositive motions be extended to September 30, 2016.

16

17 DATED: May 19, 2016

SIEGEL LEWITTER MALKANI

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19

By: /s/ Benjamin J. Siegel
Jonathan H. Siegel
Benjamin J. Siegel

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Attorneys for Plaintiff

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23 DATED: May 19, 2016

ANWYL & STEPP, LLP

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By: /s/ James T. Anwyl (as authorized on 5/17/16)
James T. Anwyl
Lynn A. Garcia
Alexandra M. Asterlin

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ORDER

Good cause appearing, the court GRANTS the parties' request to modify the Status (Pretrial Scheduling) Order (ECF No. 33). To allow sufficient time for the resolution of any dispositive motions, the court further modifies the remaining dates and deadlines. Accordingly, the case schedule IS MODIFIED as follows:

- The deadline to complete fact discovery is EXTENDED to August 15, 2016, solely to permit the taking of Dr. Sheree Audet's deposition;
- The deadline for dispositive motions to be heard is EXTENDED to September 23, 2016;
- The Final Pretrial Conference is RESET for January 13, 2017 at 10:00 a.m. in Courtroom 3 (KJM) before Judge Kimberly J. Mueller, with a joint pretrial conference statement due by December 22, 2016;
- The jury trial is RESET for February 13, 2017 at 9:00 a.m. in Courtroom 3 (KJM) before Judge Kimberly J. Mueller, with trial briefs due by January 30, 2017.
- All other previously set deadlines, such as the deadlines for expert discovery, remain in place.

IT IS SO ORDERED.

DATED: May 19, 2016



UNITED STATES DISTRICT JUDGE

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