| Beale Aero Club, John Henry; United States of America; and DOES 1-30, Defendants. This is a personal injury action against the United States pursuant to the Federal Tor Claims Act ("FTCA") and John Henry, an individual Defendant who has not appeared in the | | | | |
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| United States Attorney GREGORY T. BRODERICK Assistant United States Attorney STEVEN A. KIRSCH steven.kirsch@usdoi.gov Senior Trial Counsel Torts Branch, Civil Division U.S. Department of Justice Post Office Box 14271 Washington, DC 20044-4271 Phone: (202) 616-4048 Fax: (202) 616-4159 Attorneys for Defendants United States of America and Beale Aero Club Intersection Intersection James M. Grogan, V. Beale Aero Club, John Henry; United States of America; and DOES 1-30, Performance Defendants. Image: States of America; and John Henry, an individual Defendant who has not appeared in the action. The action was initiated in state court on January 14, 2015. The United States remover the action to this Court on March 12, 2015. The Court issued an Order Setting Status (Pretroposed and Predok States remover the action to this Court on March 12, 2015. The Court issued an Order Setting Status (Pretroposed States Predok States Pred | | BENJAMIN C. MIZER Principal Deputy Assistant Attorney General BENJAMIN B. WAGNER | | |
| Assistant United States Attorney 4 STEVEN A. KIRSCH steven.kirsch@usdoj.gov 5 Senior Trial Coursel Torts Branch, Civil Division 6 U.S. Department of Justice Post Office Box 14271 7 Washington, DC 20044-4271 Phone: (202) 616-4159 9 Attorneys for Defendants United States of 10 UNITED STATES DISTRICT COURT 12 EASTERN DISTRICT OF CALIFORNIA 14 UNITED STATES DISTRICT COURT 15 EASTERN DISTRICT OF CALIFORNIA 16 V. 17 Beale Aero Club, John Henry: United 18 STIPULATION and [PROPOSED] ORI 19 Defendants. 20 This is a personal injury action against the United States pursuant to the Federal Tor 12 This is a personal injury action against the United States pursuant to the Federal Tor 21 Claims Act ("FTCA") and John Henry, an individual Defendant who has not appeared in th 22 This is a personal injury action against the United States pursuant to the Federal Tor 23 Claims Act ("FTCA") and John Henry, an individual Defendant who has not appeared in th 24 | | United States Attorney | | |
| 5 Seven, kirsch@usdoj.gov 5 Senior Trial Consel Torts Branch, Civil Division 6 U.S. Department of Justice Post Office Box 14271 7 Washington, DC 20044-4271 Phone: (202) 616-4048 8 Fax: (202) 616-4159 9 Attorneys for Defendants United States of America and Beale Aero Club 10 UNITED STATES DISTRICT COURT 12 EASTERN DISTRICT OF CALIFORNIA 13 Plaintiff, 14 James M. Grogan, 15 Plaintiff, 16 v. 17 Beale Aero Club, John Henry; United States of America; and DOES 1-30, 19 Defendants. 21 This is a personal injury action against the United States pursuant to the Federal Tor 22 This is a personal injury action against the United States pursuant to the Federal Tor 23 Claims Act ("FTCA") and John Henry, an individual Defendant who has not appeared in th action. The action was initiated in state court on January 14, 2015. The United States remo 24 Scheduling) Conference the same day. In that Order, the Court set a pretrial scheduling 25 conference for June 22, 2015. The Order also requires the parties to confer and develop a 27 Scheduling) Conference the same day. In | | Assistant United States Attorney | | |
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| America and Beale Aero Club John District of CALIFORNIA America and Beale Aero Club, John Henry; United Defendants. Defendantwho has not appeared in th action. The action was initiated i | 8 | | | |
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| 17 v. 17 Beale Aero Club, John Henry; United States of America; and DOES 1-30, STIPULATION and [PROPOSED] ORI TO CONTINUE INITIAL SCHEDULING CONFERENCE AND FILING OF JOIN STATUS REPORT 19 Defendants. 20 This is a personal injury action against the United States pursuant to the Federal Tor 21 Claims Act ("FTCA") and John Henry, an individual Defendant who has not appeared in the 24 action. The action was initiated in state court on January 14, 2015. The United States remo 25 the action to this Court on March 12, 2015. The Court issued an Order Setting Status (Pretr 26 Scheduling) Conference the same day. In that Order, the Court set a pretrial scheduling 28 conference for June 22, 2015. The Order also requires the parties to confer and develop a 21 The Order also requires the parties to confer and develop a | | Plaintiff, | | |
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| | 28 | STIPULATION AND PROPOSED ORDER TO CONTINUE INITIAL SCHEDULING CONFERENCE | so requires the parties to confer and develop a 1 | |

| 1 | proposed discovery plan by June 1, 2015 and su | bmit a Joint Status Report by June 8, 2015. The | |
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| 2 | United States has filed a Motion to Dismiss arguing that the Court lacks jurisdiction over the | | |
| 3 | FTCA component of the case because Plaintiff did not exhaust administrative remedies before | | |
| 4 | filing suit. The motion is now fully briefed and was submitted without argument pursuant to the | | |
| 5 | Court's May 5, 2015 minute order. | | |
| 6 7 | Given the dispositive nature of the motion with respect to the United States, the parties | | |
| 8 | agree that it would be more efficient for the Court to resolve the Motion to Dismiss before setting | | |
| 9 | a schedule or engaging in other proceedings, and that the initial scheduling conference and | | |
| 10 | development and filing of the Joint Status Report should be continued until after such resolution. | | |
| 11 | Therefore, the undersigned parties stipulate to continue the initial scheduling conference to a date | | |
| 12 | approximately 21 days after the Motion to Dismiss is resolved, with the Joint Status Report due | | |
| 13 | fourteen days before the new date of the initial scheduling conference. | | |
| 14 15 | | | |
| 15 16 | Re | spectfully submitted, | |
| 17 | | NJAMIN C. MIZER | |
| 18 | | ncipal Deputy Assistant Attorney General NJAMIN B. WAGNER | |
| 19 | Un | ited States Attorney | |
| 20 | | REGORY T. BRODERICK sistant United States Attorney | |
| 21 | <u>/s/</u> ST | <u>Steven A. Kirsch</u> EVEN A. KIRSCH | |
| 22 22 | Ser To | nior Trial Counsel rts Branch, Civil Division | |
| 23 24 | Pos | S. Department of Justice st Office Box 14271 | |
| 24 | | ashington, DC 20044-4271 one: (202) 616-4048 x: (202) 616-4159 | |
| 26 | | ven.kirsch@usdoj.gov | |
| 27 | | | |
| 28 | STIPULATION AND PROPOSED ORDER TO CONTINUE INITIAL SCHEDULING CONFERENCE AND FILING OF JOINT STATUS REPORT | 2 | |

| 1 2 | DATED: May 29, 2015 /s/ Kristoffer S. Mayfield (authorized on 5/29/2015) Anthony S. Petru, Esq., State Bar No. 91399 Kristoffer S. Mayfield, Esq., State Bar No. 241093 |
|----------|--|
| 3 | Bradley W. Wahrlich, Esq., State Bar No. 261762 HILDEBRAND, McLEOD & NELSON, LLP |
| 4 | Westlake Building 350 Frank H. Ogawa Plaza, Fourth Floor |
| 5 | Oakland, CA 94612 -2006 |
| 6 | Phone: (800) 447-7500 Fax: (510) 465-7023 |
| 7 | warlich@hmnlaw.com |
| 8 | |
| 9 | |
| 10 | The pretrial scheduling conference is rescheduled for August 3, 2015, at 9:00 a.m. |
| 11 | A joint status report shall be filed fourteen days prior to the hearing. |
| 12 | IT IS SO ORDERED. |
| 13 | Dated: May 29, 2015 |
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| 15 | Suble E. Pringth |
| 16 17 | GARLAND E. BURRELL, JR. Senior United States District Judge |
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| | STIPULATION AND PROPOSED ORDER TO 3 CONTINUE INITIAL SCHEDULING CONFERENCE AND FILING OF JOINT STATUS REPORT |