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America and Beale Aero Club

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

14 James M. Grogan,

15 Plaintiff,

16 v.

17 Beale Aero Club, John Henry; United
18 States of America; and DOES 1-30,

19 Defendants.

No. 2:15-CV-00562-GEB-KJN

**SECOND STIPULATION and
[PROPOSED] ORDER TO CONTINUE
INITIAL SCHEDULING CONFERENCE
AND FILING OF JOINT STATUS
REPORT**

22 This is a personal injury action against the United States pursuant to the Federal Tort
23 Claims Act (“FTCA”) and John Henry, an individual Defendant who has not appeared in this
24 action. The action was initiated in state court on January 14, 2015. The United States removed
25 the action to this Court on March 12, 2015. On April 10, 2015, the United States filed a Motion
26 to Dismiss arguing that the Court lacks jurisdiction over the FTCA component of the case
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1 because Plaintiff did not exhaust administrative remedies before filing suit. The motion is fully
2 briefed and was submitted without argument pursuant to the Court's May 5, 2015 minute order.

3 In an Order Setting Status (Pretrial Scheduling) Conference dated March 12, 2015, the
4 Court set a pretrial scheduling conference for June 22, 2015, and also required the parties to
5 confer and develop a proposed discovery plan by June 1, 2015 and submit a Joint Status Report
6 by June 8, 2015. On May 29, 2015, the parties filed a Stipulation and Proposed Order to
7 Continue the Initial Scheduling Conference and Filing of Joint Status Report due to the pendency
8 of a dispositive motion with respect to the United States. On June 1, 2015, the Court acted upon
9 that Stipulation by resetting the pretrial scheduling conference for August 3, 2015, and
10 establishing July 20, 2015 as the deadline for filing a Joint Status Report.
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12 The parties seek to continue the deadlines for the Joint Status Report and pretrial
13 scheduling conference once more. Given the dispositive nature of the pending motion with
14 respect to the United States, the parties remain in agreement that it would be more efficient for
15 the Court to resolve the Motion to Dismiss before setting a schedule or engaging in other
16 proceedings, and that the initial scheduling conference and development and filing of the Joint
17 Status Report should be continued until after such resolution. Therefore, the undersigned parties
18 stipulate to continue the initial scheduling conference to a date approximately 21 days after the
19 Motion to Dismiss is resolved, or as otherwise set by the Court, with the Joint Status Report due
20 fourteen days before the new date of the initial scheduling conference.¹
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27 ¹ Counsel for the United States, Steven A. Kirsch, respectfully requests that Monday, September 14, 2015 not be
28 chosen as the new date of the initial scheduling conference because the Jewish holiday of Rosh Hashanah falls on
that day.

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DATED: July 10, 2015

Respectfully submitted,
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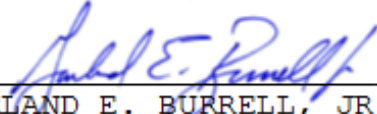
DATED: July 10, 2015

/s/ Bradley W. Wahrlich (authorized on 7/10/2015)
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The pretrial scheduling conference is rescheduled for October 26, 2015, at 9:00 a.m. A joint status report shall be filed fourteen days prior to the hearing.

IT IS SO ORDERED.

Dated: July 15, 2015


GARLAND E. BURRELL, JR.
Senior United States District Judge

