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 ENRIQUE ALVAREZ ZARDAIN
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8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 ENRIQUE ALVAREZ ZARDAIN, an
 individual,

12 Plaintiff,

13 v.

14 IPACPA US, INC., a Delaware
 15 corporation, TRC HOLDINGS, INC., a
 Delaware corporation, and DOES 1-20,

16 Defendants.
 17

CASE NO. 2:15-cv-01207-MCE-EFB

**STIPULATION AND ORDER TO EXTEND
 BRIEFING DEADLINES ASSOCIATED
 WITH MOTION SEEKING RELIEF
 FROM PRETRIAL SCHEDULING ORDER**

Date: January 12, 2017
 Time: 2:00 p.m.
 Dept.: Courtroom 7
 Judge: Hon. Morrison C. England

DOWNEY BRAND LLP

18 **RECITALS**

19 A. On October 18, 2016, Plaintiff Enrique Alvarez Zardain (“Plaintiff”) filed his
 20 Motion Seeking Relief From Pretrial Scheduling Order (the “Motion”). (Dkt. No. 37.) The
 21 Motion was originally set for hearing on December 1, 2016 at 2:00 p.m.

22 B. On November 15, 2016, Plaintiff filed a Stipulation and Order to Continue
 23 Hearing on Motion Seeking Relief From Pretrial Scheduling Order, seeking to continue the
 24 hearing on the Motion to December 15, 2016. (Dkt. No. 39.) On November 17, 2016, the Court
 25 entered the Order continuing the hearing to December 15, 2016 at 2:00 p.m. (Dkt. No. 40.)

26 C. On December 1, 2016, Plaintiff filed a further Stipulation and Order to Continue
 27 Hearing on Motion Seeking Relief From Pretrial Scheduling Order, seeking to continue the
 28 hearing on the Motion to January 12, 2017, and extend the filing deadline for Defendant TRC

1 Holdings, Inc.’s opposition to December 8, 2016, and Plaintiff’s reply to December 15, 2016.
2 (Dkt. No. 41.)

3 D. On December 8, 2016, Plaintiff filed a further Stipulation and Order to Continue
4 Hearing on Motion Seeking Relief From Pretrial Scheduling Order, seeking, once again, to
5 continue the hearing on the Motion to January 12, 2017, but requesting that the associated
6 briefing deadlines be further extended to December 15, 2016 for Defendant TRC Holdings, Inc.’s
7 opposition, and December 22, 2016 for Plaintiff’s reply. (Dkt. No. 42.) The Court has not yet
8 entered an Order granting the stipulation.

9 E. On December 13, 2016, the Court entered its Order on the stipulation filed on
10 December 1, 2016 (Dkt. No. 41), continuing the hearing to January 12, 2017, and extending the
11 filing deadline for Defendant TRC Holdings, Inc.’s opposition to December 8, 2016, and
12 Plaintiff’s reply to December 15, 2016. (Dkt. No. 43.)

13 F. The parties continue to discuss a settlement that would resolve this action in its
14 entirety and therefore wish to further extend the briefing deadlines associated with the Motion, to
15 avoid incurring additional attorneys’ fees at this time.

16 G. Given that the Court has yet to enter an Order granting the stipulation filed on
17 December 8, 2016 (Dkt. No. 42), this Stipulation is meant to supersede the prior stipulation. The
18 only germane distinction between the current Stipulation and the version filed on December 8,
19 2016 is the stipulated briefing deadlines.

20 **STIPULATION**

21
22 In accordance with the foregoing stipulation, the dates for filing an opposition and

23 1. Defendant TRC Holdings, Inc.’s opposition to the Motion will be due to be filed
24 on December 22, 2016, and Plaintiff’s reply will be due to be filed on December 29, 2016.

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DATED: December 15, 2016

DOWNEY BRAND LLP

By: /s/ Christopher B. Burton
JAMIE P. DREHER
CHRISTOPHER B. BURTON
Attorneys for Plaintiff
Enrique Alvarez Zardain

DATED: December 15, 2016

HILL RIVKINS BROWN & ASSOCIATES

By: /s/ Adam C. Brown (as authorized on 12-15-16)
ADAM C. BROWN
Attorneys for Defendant
TRC Holdings, Inc.

ORDER

The deadlines for filing an opposition to Plaintiff’s Motion Seeking Relief from Scheduling Order [37] is extended from December 8, 2016 to January 20, 2017, and the last day to submit a reply shall be continued from December 22, 2016 to January 27, 2017. While the Court recognizes those dates are beyond those proposed in the foregoing stipulation, they are consistent with the new hearing date on the Motion, which the Court sua sponte continues from January 12, 2017 to February 9, 2017 at 2:00 p.m. in Courtroom No. 7.

IT IS SO ORDERED.

Dated: January 6, 2017


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE