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IN THE UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

GIANFRANCO RUFFINO, Plaintiff, v. UNITED STATES OF AMERICA, Defendant.	CASE NO. 2:16-CV-02719-KJM-CKD STIPULATION AND JOINT REQUEST TO MODIFY PRETRIAL SCHEDULE; ORDER COURT: Courtroom 3, 15th Floor JUDGE: Hon. Kimberly J. Mueller

Plaintiff Gianfranco Ruffino and Defendant the United States of America jointly stipulate as follows and submit this request to modify the governing schedule (ECF 24 and ECF 26).

The parties previously stipulated, and the Court approved, a schedule that contemplated a stay of discovery while the parties submitted briefs on the government's motion to dismiss for lack of subject matter jurisdiction. *See* ECF 24. The schedule was extended to account for plaintiff's counsel's maternity leave. *See* ECF 26. The government's jurisdictional motion was fully briefed on June 8, 2018. ECF 27, ECF 28, ECF 29, ECF 30. Under the current schedule, the stay of discovery will end on July 9, 2018. ECF 26, ECF 24.

The parties continue to agree that the Court's ruling on the anticipated jurisdictional motion would assist them as they complete discovery, including expert discovery. If the Court grants the motion, it may be dispositive of the case, which may eliminate the need to undertake certain discovery. If the Court denies the motion in whole or in part, the ruling may help define the issues for remaining discovery. Accordingly, the parties respectfully request that the Court vacate all pending deadlines and

continue the stay of discovery until fourteen days after the Court issues a ruling on the pending jurisdictional motion (ECF 27), at which time the parties shall file a joint scheduling report to propose a schedule to govern the remainder of the case, if necessary.

Dated: June 28, 2018

McGREGOR W. SCOTT
United States Attorney

By: _____
PHILIP A. SCARBOROUGH
Assistant United States Attorney
Attorneys for Defendant the
United States of America

Dated: June 28, 2018

CASEY GERRY SCHENK
FRANCAVILL BLATT &
PENFIELD, LLP

By: _____
Angela Jae Chun
Attorneys for Plaintiff
Gianfranco Ruffino

ORDER

GOOD CAUSE APPEARING, the parties' stipulation and joint request to modify the pretrial schedule is APPROVED. The stay on discovery shall continue until 14 days after the Court issues a ruling on the government's motion to dismiss for lack of subject matter jurisdiction. The parties shall file a joint scheduling report no later than 14 days after the Court issues a ruling on the government's motion to dismiss to propose a schedule to govern the remainder of the case if necessary. All other pending deadlines are vacated.

DATED: June 9, 2018.

UNITED STATES DISTRICT JUDGE