

1 PHILLIP A. TALBERT  
United States Attorney  
2 GREGORY T. BRODERICK  
Assistant United States Attorney  
3 501 I Street, Suite 10-100  
Sacramento, CA 95814  
4 Telephone: (916) 554-2700  
Facsimile: (916) 554-2900  
5 Attorneys for the United States  
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7

8 **IN THE UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**  
10

11 RENEE MORGAN,  
12 Plaintiff,  
13 vs.  
14 UNITED STATES, et al.,  
Defendants.

No. 2:17-cv-00372-WBS-EFB

**CORRECTED STIPULATION AND  
[PROPOSED] ORDER FOR REFERENCE TO  
SETTLEMENT CONFERENCE, AND TO  
CONTINUE PENDING DATES IN THIS  
ACTION**

15  
16 Pursuant to Local Rule 270, the parties hereby agree and stipulate to submit the above-entitled  
17 action for a settlement conference. The parties request that the settlement conference be held before a  
18 Magistrate Judge of this Court, but do not agree to waive conflicts regarding the already-assigned  
19 Magistrate Judge. *See* L.R. 270(b). The parties request that the Court set the settlement conference the  
20 week of September 25, 2017. Counsel for the United States is in trial from August 15 through at least  
21 August 31, 2017, in *Duarte Nursery Inc., v. United States* (2:13-cv-02095-KJM-DB) with confirmed  
22 trial dates. In view of that trial, the post-trial obligations, and other obligations and appearances already  
23 scheduled, counsel for the United States is not realistically available for an earlier date. In addition, the  
24 parties wish to exchange certain information before the settlement conference to maximize the  
25 opportunity for resolution.

26 Counsel for Plaintiff is scheduled to begin a trial on October 10, 2017. Therefore, the parties  
27 request a conference the week of September 25, 2017, although they are also available the following  
28 week. Agency counsel, who is stationed in can only appear in person on September 29, 2017. She

1 could participate by telephone that week on September 25<sup>th</sup> or September 26<sup>th</sup> before 2 p.m. Pacific. She  
2 is unavailable the 27<sup>th</sup>, when she teaches a class, and 28<sup>th</sup>, when she has an in-person mediation in Court.

3 In view of the prospects of resolution, and pursuant to Local Rules 143 and 144, the parties also  
4 hereby stipulate, and propose, to extend the date for the United States to respond to Plaintiff's complaint  
5 to a date up to and including 30 days after the conclusion of the settlement conference. Moreover, the  
6 parties stipulate, and propose, that the Court continue the pending dates for the Joint Status Report  
7 (currently due July 31, 2017), and Initial Scheduling Conference (currently August 14, 2017). (Dkt. No.  
8 6). The parties propose that the Scheduling Conference be continued to a date approximately 28 days  
9 following the filing of an answer, and that the Joint Status Report be continued to a date 14 days before  
10 the scheduling conference.

11 It appears that the prospects for resolution of this matter are strong, and the above-requested  
12 continuances will preserve the parties' resources and this Court's limited judicial resources.

13 Respectfully submitted,

14 DATED: July 12, 2017

PHILLIP A. TALBERT  
United States Attorney

15 By: /s/ Gregory T. Broderick  
16 GREGORY T. BRODERICK  
Assistant United States Attorney

17  
18 By: /s/ John Demas (authorized 07/12/2017)  
19 JOHN DEMAS  
20 Attorney for Plaintiff

1 Good cause appearing, **IT IS SO ORDERED.**

2 The parties are hereby notified that upon random selection, this matter has been assigned to the  
3 Hon. Deborah Barnes, Magistrate Judge, for the setting of a settlement conference. The parties are,  
4 therefore, directed to contact Judge Barnes' courtroom deputy in order to obtain a date, time and further  
5 instructions as they pertain to scheduling of the settlement conference. In addition, the date for the  
6 United States' responsive pleading is hereby extended to 30 days after the settlement conference, if the  
7 matter does not resolve.

8 Finally, the Status (Pretrial Scheduling) Conference set for August 14, 2017, at 1:30 p.m. is  
9 continued to **November 20, 2017 at 1:30 p.m.** A Joint Status Report shall be filed no later than  
10 **November 6, 2017.**

11  
12 Dated: July 13, 2017



13 WILLIAM B. SHUBB  
14 UNITED STATES DISTRICT JUDGE  
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