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 HUGO MARTINEZ

16 **UNITED STATES DISTRICT COURT**
 17 **EASTERN DISTRICT OF CALIFORNIA**

19 HUGO MARTINEZ, an individual,
 20 Plaintiff,
 21 v.
 22 O'REILLY AUTO ENTERPRISES,
 23 LLC, a Delaware limited liability
 company; and DOES 1-50, inclusive,
 24 Defendants.

CASE NO. 2:17-CV-00737-JAM-GGH
**STIPULATION AND ORDER TO BE
 RELIEVED OF THE OBLIGATION
 TO ATTEND THE COURT
 SETTLEMENT CONFERENCE
 SCHEDULED FOR MAY 30, 2018
 BEFORE MAGISTRATE JUDGE
 DEBORAH BARNES**

JUDGE: Hon. John A. Mendez
 CASE FILED: February 27, 2017
 REMOVED: April 6, 2017

1 Defendant O'REILLY AUTO ENTERPRISES, LLC ("Defendant"), and
2 Plaintiff HUGO MARTINEZ ("Plaintiff") (collectively with Defendant "the
3 Parties") respectfully stipulate as follows:

4 On April 27, 2018, the Parties filed a Joint Pretrial Conference Order. In the
5 Joint Pretrial Conference Order, the Parties indicated that they believed a Court
6 Settlement Conference under L.R. 270 would be helpful.

7 On May 4, 2018, this Court set a Court Settlement Conference before
8 Magistrate Judge Deborah Barnes on May 30, 2018 at 10:00 a.m.

9 Since May 4, 2018, the Parties have engaged in further informal settlement
10 discussions and have determined that a Court Settlement Conference would **not** be
11 helpful. The Parties are simply too far apart in terms of settlement and the Parties
12 do not want to waste this Court's valuable time and resources.

13 Thus, the Parties respectfully ask to be relieved of this Court's May 4, 2018
14 Order setting a Court Settlement Conference before Magistrate Judge Deborah
15 Barnes on May 30, 2018.

16 IT IS HEREBY STIPULATED.

17
18 DATED: May 14, 2018

HIGGS FLETCHER & MACK LLP

19 By: /s/ James M. Peterson, Esq.
20 JAMES M. PETERSON, ESQ.
21 DEREK W. PARADIS, ESQ.
22 Attorneys for Defendant
O'REILLY AUTO ENTERPRISES,
LLC

23 DATED: May 14, 2018

BROCK & GONZALES, LLP

24 By: /s/ D. Aaron Brock, Esq.
25 ROBERT P. BIEGLER, ESQ.
26 D. AARON BROCK, ESQ.
27 Attorneys for Plaintiff
HUGO MARTINEZ

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ORDER

IT IS HEREBY ORDERED that the Parties in the above caption case are relieved of this Court’s May 4, 2018 Order setting a Court Settlement Conference before Magistrate Judge Deborah Barnes on May 30, 2018. The May 30, 2018 Court Settlement Conference before Magistrate Judge Deborah Barnes will be taken off calendar.

DATED: 5/16/2018

/s/ John A. Mendez
Hon. John A. Mendez
USDC, Eastern District of California