Pruitt v. Genentech, Inc. Doc. 43

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17		DISTRICT COLUDT	
18	UNITED STATES		
19	EASTERN DISTRICT OF CALIFORNIA		
20		G N 0.17 GW 00000 M 1 1 1 G	
21	TIMOTHY PRUITT,	Case No. 2:17-CV-00822-JAM-AC	
22	Plaintiff,	JOINT STIPULATION AND ORDER SETTING SUMMARY JUDGMENT	
23	V.	MOTION BRIEFING DEADLINES	
24	GENENTECH, INC.; AND DOES 1 THROUGH 10, INCLUSIVE,		
25	Defendants.		
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20		IOINT STIPLII ATION & [PROPOSED	

1	Pursuant to Eastern District of California Local Rules 143 and 144, Plaintiff Timothy		
2	Pruitt ("Plaintiff") and Defendant Genentech, Inc. ("Defendant"), by their undersigned counsel,		
3	hereby stipulate as follows:		
4	WHEREAS, on June 21, 2017, the Court issued a Status (Pre-trial Scheduling) Order		
5	(Dkt. No. 11), setting case deadlines;		
6	WHEREAS, the Court subsequently granted the Parties' joint stipulations to continue the		
7	case deadlines in connection with the Parties' efforts to schedule private mediation in an effort to		
8	reach a settlement;		
9	WHEREAS, pursuant to the Court's orders of June 21, 2017 (Dkt. No. 11), December 7,		
10	2017 (Dkt. No. 27), and March 5, 2018 (Dkt. No. 30), the deadline for filing dispositive motions		
11	is December 11, 2018, and the dispositive motion hearing is scheduled for January 8, 2019 at 1:30		
12	p.m.;		
13	WHEREAS, Defendant intends to file a Motion for Summary Judgment, or, in the		
14	Alternative, Partial Summary Judgment ("Defendant's Motion"), while Plaintiff does not intend		
15	to file a motion for summary judgment;		
16	WHEREAS, the Parties understand that, by operation of the Local Rules and the Federal		
17	Rules of Civil Procedure, Plaintiff's opposition to Defendant's Motion will be due on December		
18	24, 2018, and Defendant's reply will be due on December 31, 2018;		
19	WHEREAS, the Parties agree to modify the summary judgment briefing schedule, in		
20	order to minimize disruption to holiday plans of counsel;		
21	NOW, THEREFORE, the Parties stipulate that the Court may enter an order providing as		
22	follows:		
23	1. Defendant's Motion for Summary Judgment, or, in the Alternative, Partial		
24	Summary Judgment ("Defendant's Motion"), shall be filed by the <u>later</u> of (i) one business day		
25	following issuance of the Court entering this Joint Stipulation and Order, or (ii) Friday,		
26	November 30, 2018; any papers Plaintiff may file in opposition to Defendant's Motion shall be		
27	filed by <b>December 18, 2018</b> ; and any reply papers Defendant may file in support of Defendant's		

1	Motion shall be filed by <b>Decembe</b>	r 31, 2018. However, if the Court has not entered an order	
2	adopting these proposed deadlines by 8 p.m. on December 3, 2018, then the Parties shall use the		
3	existing briefing schedule as set by the Court's March 5, 2018 Order (Dkt. No. 30) and the		
4	operation of any applicable Local Rules and/or Federal Rules of Civil Procedure.		
5	2. All other deadlines in this matter shall remain unaltered.		
6	IT IS SO STIPULATED.		
7	Dated: November 29, 2018	LYNNE C. HERMLE	
8		JULIE A. TOTTEN LEO MONIZ	
9		Orrick, Herrington & Sutcliffe LLP	
10		By: /s/ Leo Moniz	
11		LEO MONIZ Attorneys for Defendant	
12		GENÉNTECH, INC.	
13	Dated: November 29, 2018	SEAN D. MCHENRY McHenry Law Firm	
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15		By: /s/ Sean D. McHenry (as authorized on Nov.29, 2018) SEAN D. MCHENRY	
16		Attorney for Plaintiff TIMOTHY PRUITT	
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19		<u>ORDER</u>	
20	IT IS SO ORDERED.		
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22	Dated: 11/30/2018	/s/ John A. Mendez Hon. John A. Mendez	
23		Holl. John A. Wendez	
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		IOINT STIBLILATION & [PROPOSED] ORDER	