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Attorneys for Defendants

17 **IN THE UNITED STATES DISTRICT COURT**
 18 **EASTERN DISTRICT OF CALIFORNIA**

19 PACIFIC COAST HORSESHOEING
 SCHOOL, INC., et al.,

20 Plaintiffs,

21 v.

22 KIMBERLY KIRCHMEYER, et al.,

23 Defendants.

No. 2:17-CV-02217-JAM-GGH

**STIPULATION SHORTENING TIME TO
 HEAR MOTION OF ATTORNEYS AT
 THE INSTITUTE FOR JUSTICE AND
 BENBROOK LAW GROUP, P.C., TO
 WITHDRAW AS COUNSEL FOR
 PLAINTIFF ESTEBAN NAREZ; ORDER**

Judge: Hon. John A. Mendez
 Action Remanded: July 2, 2020
 Current Hearing Date: September 28, 2021.

27 **JOINT STIPULATION**

1 WHEREAS, Plaintiff Esteban Narez has not responded to Defendants’ written-discovery
2 requests;

3 WHEREAS, the Court on June 22, 2021, ordered Plaintiff Narez to disclose his current
4 address to Defendants by June 29, 2021, and appear for his party deposition on July 28, 2021
5 (ECF 48, June 22, 2021);

6 WHEREAS, the Court on June 29, 2021, denied Plaintiff Narez’s motion to be dropped as
7 a plaintiff in this case (ECF 49, June 29, 2021);

8 WHEREAS, Plaintiffs’ counsel contend that they have made diligent efforts to secure
9 Plaintiff Narez’s compliance with the Court’s June 22, 2021 order and with his discovery
10 obligations;

11 WHEREAS, Plaintiffs’ counsel contend that they have been unable to secure Plaintiff
12 Narez’s compliance with the Court’s June 22, 2021 order and with his discovery obligations and
13 believe that they will continue to be unable to secure Plaintiff Narez’s compliance;

14 WHEREAS, Plaintiffs’ counsel moved to withdraw as counsel for Plaintiff Narez on July
15 12, 2021 (ECF 51) (“Motion”);

16 WHEREAS, the Motion is currently scheduled to be heard on September 28, 2021, at 1:30
17 P.M., before the Honorable John A. Mendez in Courtroom 6 of this Court;

18 WHEREAS, since filing the Motion, Plaintiffs’ counsel contend that they have continued
19 making diligent efforts to secure Plaintiff Narez’s compliance with the Court’s June 22, 2021
20 order, including trying to secure Plaintiff Narez’s appearance at the July 28, 2021 deposition;

21 WHEREAS—and without disclosing attorney-client communications—Plaintiffs’ counsel
22 state that they continue to be unable to secure Plaintiff Narez’s compliance with the Court’s June
23 22, 2021 order and with his discovery obligations;

24 WHEREAS, Plaintiffs’ counsel maintain that, given their inability to secure Plaintiff
25 Narez’s compliance with the Court’s June 22, 2021 order and ongoing discovery obligations,
26 there is a reasonable likelihood of further motion practice concerning Plaintiff Narez’s discovery
27 obligations between now and September 28, 2021, the current hearing date set for the Motion;

28 WHEREAS, given their inability to effectively represent Plaintiff Narez (as detailed in the
2
2:17-cv-02217-JAM-GGH
STIPULATION SHORTENING TIME TO HEAR MOTION TO WITHDRAW AS COUNSEL FOR
PLAINTIFF ESTEBAN NAREZ; ORDER

1 Motion), Plaintiffs' counsel maintain that the just, speedy, and inexpensive determination of the
2 action would be best served by resolving the Motion before substantial additional motion practice
3 concerning Plaintiff Narez's discovery obligations takes place;

4 WHEREAS, Defendants' counsel state that they do not believe the Motion requires the
5 Court's expedited consideration but that they are available to appear for a hearing on August 31,
6 2021, if the Court determines that expedited consideration is warranted; and

7 WHEREAS, Plaintiffs' counsel will serve this stipulation and any resulting order on
8 Plaintiff Esteban Narez by mail to his last-known address and by text message to his last-known
9 phone number.

10 NOW THEREFORE, it is hereby stipulated and requested that the Court issue an order
11 advancing the hearing on the Motion to August 31, 2021, at 1:30 P.M., or as soon thereafter as the
12 matter may be heard by the Court and that responses and replies to the Motion, if any, shall be
13 filed consistent with the deadlines set by Local Rule 230(c) and (d).

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16 Dated: July 26, 2021.

Respectfully submitted,

INSTITUTE FOR JUSTICE

/s/ Samuel B. Gedge

SAMUEL B. GEDGE
Attorney for Plaintiffs

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19
20 Dated: July 26, 2021.

ROB BONTA
Attorney General of California
HEATHER B. HOESTEREY
Supervising Deputy Attorney General

/s/ P. Patty Li

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ORDER

IT IS HEREBY ORDERED that, pursuant to the stipulation of the parties, the Motion of Attorneys at the Institute for Justice and Benbrook Law Group, P.C., to Withdraw as Counsel for Plaintiff Esteban Narez will be heard on shortened time. Any opposition to the motion must be filed by August 17, 2021. Any reply in support of the motion must be filed by August 24, 2021. The motion will be heard on August 31, 2021, at 11:30 A.M.

IT IS SO ORDERED.

Dated: July 26, 2021

/s/ John A. Mendez
THE HONORABLE JOHN A. MENDEZ
UNITED STATES DISTRICT COURT JUDGE