1 2 3 4 5 6 7	DAVID R. GRIFFITH, ESQ. (SBN 170172) GRIFFITH & HORN, LLP 1530 Humboldt Road, Suite 3 Chico, CA 95928 Telephone: (530) 812-1000 Facsimile: (530) 809-1093 E-mail: david@davidgriffithlaw.com  Attorneys for Defendants, TERRANCE OLLIFF and DIANNE L. OLLIF Individually and as Trustees of the Olliff Famil	F ly Trust	SEP 11 2019  CLERK, U.S. DISTRICT COURT EASTERN DISTRICT OF CALIFORNIA BY  DEPUTY CLERK
8	UNITED STATES DISTRICT COURT		
9	EASTERN DISTRICT OF CALIFORNIA		
10		)	
11		) Case Nu	mber: 2-17-cv-02292-JAM-EFB
12		,	ATION TO VACATE TRIAL SET
13	GRINDSTONE INDIAN RANCHERIA, et al	) RELATED DATES, SET MATTER FOR A	
14	Plaintiff	/	S CONFERENCE REGARDING SETTING, AND ORDER
15		) .	
16	VS.	) F.R.C.P )	. 16(b)(4)
17	TERRANCE OLLIFF et al	) )	
18	Defendants.	)	
19		)	
20		<del>.</del> ′	
21	The parties to the above-entitled action hereby jointly request that the Trial set for		
22	October 21, 2019, be vacated, that related discovery dates be continued, and that the matter be		
23	set for a Status Conference pending the parties participating in mediation. The parties, Plaintiffs		
24	Grindstone Rancheria et al (collectively "Plaintiffs") and Defendants, Terrence Olliff et al		
25	(collectively "Defendants"), through their respective attorneys of record, hereby jointly stipulate		
26	to as set forth below.		
27	///		
28			
	Pag	e 1 of 3	
	Stipulation to Vacate Trial Set for October 21, 2019,		posed  Order

## RECITALS/GROUNDS FOR RELIEF

Pursuant to Rule 16, a party may seek modification of a scheduling order, including modification of trial date(s), "only for good cause and with a judge's consent." Fed. R. Civ. P. 16(b)(4). "Good cause" exists when a scheduling deadline "cannot reasonably be met despite the diligence of the party seeking the extension." Schaffner v. Crown Equipment Corporation, No. C 09-00284 SBA, 2011 WL 6303408, at \*2 (N.D. Cal. Dec. 16, 2011) (citing Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9 Cir. 1992). A party may establish good the cause by showing (1) that [he or she] was diligent in assisting the court in creating a workable Rule 16 order; (2) that [his or her] noncompliance with a rule 16 deadline occurred or will occur, notwithstanding [his or her] diligent efforts to comply, because of the development of matters which could not have been reasonably foreseen or anticipated at the time of the Rule 16 scheduling conference; and (3) that [he or she] was diligent in seeking amendment of the Rule 16 order, once it became apparent that he or she could not comply with the order. Hood v. Hartford Life & Accident Ins. Co., 567 F.Supp.2d 1221, 1224 (E.D. Cal. 2008) (citation omitted).

**WHEREAS**, trial for this matter is current set to begin on October 21, 2019 and continue through October 22, 2019.

WHEREAS, the parties have previously participated in good faith settlement discussions and now desire to attend mediation prior to trial to reduce litigation costs for the parties and to expedite matters for the Court by avoiding the necessity of trial should an informal resolution be found at mediation. The parties believe that with the assistance of a third-party neutral mediator, a settlement may be reached between the parties.

WHEREAS, the parties originally believed at the time of the initial Rule 16 scheduling conference that the parties would be ready for and desire to proceed with trial on October 21, 2019, and worked together to prepare a comprehensive proposed scheduling report for the Court's convenience;

WHEREAS, the parties agree that no prejudice will occur to either party should the current trial date be vacated.

WHEREAS, the parties require time to meet and confer on a third party neutral to act as

mediator, find mutually available dates, and attend mediation, therefor the parties request that a Status Conference be set in early 2020 for the purpose of evaluating the status of mediation and to establish a new trial date and respective Scheduling Order.

**WHEREAS**, the parties request that discovery be re-opened and discovery cut-off dates be calculated based upon any newly scheduled trial date and established Scheduling Order.

**THERFORE**, the parties request the entry of an Order: 1) vacating the trial set for October 21, 2019; 2) re-opening discovery with discovery cut-off dates to be calculated and set based upon a future scheduled trial date and established Scheduling Order; and 3) that a Status Conference be set sometime in early 2020 for the purpose of reporting on the status of mediation, trial setting, and establishing a new scheduling order based on the new trial date.

SO STIPULATED.

Dated: September 09, 2019.	/S/ Jack Duran, Jr.		
	Jack Duran, Jr., Counsel for Plaintiff, Grindstone Rancheria		
Dated: September 09, 2019.	/S/ David R. Griffith		
· · · · · · · · · · · · · · · · · · ·	David R. Griffith, Counsel for Defendants, Terrance Olliff, et al.		

## ORDER

The Stipulation of the parties is accepted as follows: 1) the Trial currently set for October 21, 2019, is hereby VACATED; 2) Discovery is re-opened; 3) this matter is set for a Status

Conference on: 4W

anew trial date, and the establishment of a new scheduling order based upon a new trial date

within ten days after completion of the mediation. If the prior to the Status Conference on the labove date.

IT IS SO ORDERED.

Date: 9-10-2019

Judge of Federal District Court
Eastern District of California

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Stipulation to Vacate Trial Set for October 21, 2019, etc., and [Proposed] Order