

1 Amanda C. Sommerfeld (SBN 185052)
 2 asommerfeld@jonesday.com
 3 JONES DAY
 4 555 South Flower Street, Fiftieth Floor
 5 Los Angeles, CA 90071.2300
 6 Telephone: +1.213.489.3939
 7 Facsimile: +1.213.243.2539

8 Kelsey Israel-Trummel (SBN 282272)
 9 kisrael-trummel@jonesday.com
 10 JONES DAY
 11 555 California Street, 26th Floor
 12 San Francisco, CA 94104
 13 Telephone: +1.415.626.3939
 14 Facsimile: +1.415.875.5700

15 Charles W. Shewmake (SBN 316230)
 16 THOMPSON & KNIGHT LLP
 17 One Arts Plaza
 18 1722 Routh Street, Suite 1500
 19 Dallas, TX 75201
 20 Telephone: +1.214.969.1700
 21 Facsimile: +1.214.969.1751

22 Attorneys for Plaintiff
 23 BNSF RAILWAY COMPANY

24 UNITED STATES DISTRICT COURT
 25 EASTERN DISTRICT OF CALIFORNIA
 26 SACRAMENTO DIVISION

27 **BNSF RAILWAY COMPANY,**

28 **Plaintiff,**

v.

**JULIE SU, in her official capacity as
 LABOR COMMISSIONER, STATE OF
 CALIFORNIA DIVISION OF LABOR
 STANDARDS ENFORCEMENT,**

Defendant.

Case No. 2:17-cv-02302-MCE-CKD

**JOINT STIPULATION AND
 ORDER TO EXTEND DEADLINE
 TO OBJECT TO THE INITIAL
 PRETRIAL SCHEDULING
 ORDER**

JOINT STIPULATION TO EXTEND
 DEADLINE TO OBJECT TO THE INITIAL
 PRETRIAL SCHEDULING ORDER

1 Subject to the approval of the Court, Plaintiff BNSF Railway Company (“BNSF” or
2 “Plaintiff”) and Defendant Julie Su (“Su” or “Defendant”) by and through their undersigned
3 attorneys, hereby enter into the following stipulation to extend the deadline to object to the dates
4 contained in the Court’s Initial Pretrial Scheduling Order. The purpose of this stipulation is to
5 promote efficiency and judicial economy by coordinating the deadline to file objections to the
6 Initial Pretrial Scheduling Order with the deadline for Defendant to Answer or otherwise respond
7 to Plaintiff’s Complaint. The reasons to grant this request are as follows:

8 1. On November 1, 2017, Plaintiff filed an action for Declaratory and Injunctive
9 Relief in this Court, seeking a declaratory judgment that California’s laws and regulations
10 pertaining to, among other things, rest periods do not apply to railroad employees. (Doc. No. 1.)

11 2. On November 2, 2017, the Court issued its Initial Pretrial Scheduling Order. The
12 Order states that it will be “final without further order of the Court unless objection are filed
13 within sixty (60) days of service on all defendant(s).” (Doc. No. 3.)

14 3. On November 14, 2017, BNSF served Defendant with the summons, Complaint,
15 and Initial Pretrial Scheduling Order, among other documents. (Doc. No. 5.)

16 4. On December 6, 2017, Defendant and BNSF submitted a joint stipulation
17 requesting that Defendant’s deadline to respond to Plaintiff’s Complaint be extended to and
18 including February 5, 2018. (Doc. No. 8.)

19 5. On December 11, 2017, the Court issued an Order extending Defendant’s deadline
20 to answer or otherwise respond to Plaintiff’s Complaint to not later than February 5, 2018. (Doc.
21 No. 10.)

22 6. Pursuant to the Local Civil Rule 144(a), the parties agree that an extension of the
23 deadline to object to the Initial Pretrial Scheduling Order is necessary to permit Defendant to
24 answer or otherwise respond to Plaintiff’s Complaint in advance of the Rule 26(f) conference. If
25 the dates in the preliminary scheduling order become final, the Rule 26(f) conference must be
26 held by January 16, 2018 more than two weeks before Defendant’s deadline to answer.

27 7. Accordingly, the parties submit that good cause exists to grant their request to
28 extend the deadline to object to the Initial Pretrial Scheduling Order from 60 days of service on

1 all defendants to 14 days after Defendant files an answer.

2 8. Therefore, the parties hereby jointly stipulate and request that the Court enter an
3 order extending the deadline for the parties to object to the Initial Scheduling Order to 14 days
4 after Defendant files an answer.

5

6 Dated: January 12, 2018

Respectfully submitted,

7

/s/ Amanda C. Sommerfeld
Amanda C. Sommerfeld
JONES DAY

8

9

Attorneys for Plaintiff
BNSF RAILWAY COMPANY

10

11 Dated: January 12, 2018

Respectfully submitted,

12

Xavier Becerra
Attorney General of California

13

14

Tamar Pachter
Supervising Deputy Attorney General

15

16

/s/ Peter H. Chang
Peter H. Chang
Deputy Attorney General

17

18

Attorneys for Defendant
JULIE SU, CALIFORNIA LABOR
COMMISSIONER

19

20

21

22

23

24

25

26

27

28

ORDER

1
2 Having considered the stipulation of the parties, and good cause appearing, the parties'
3 deadline to object to the Initial Pretrial Scheduling Order shall be extended to not later than 14
4 days after Defendant files an answer.

5 IT IS SO ORDERED.

6 Dated: January 23, 2018

7
8 
9 MORRISON C. ENGLAND, JR.
10 UNITED STATES DISTRICT JUDGE

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28