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9 IN THE UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF CALIFORNIA
11 SACRAMENTO DIVISION

13 **M.B. III, a minor, by and through his**
14 **Guardian Ad Litem, TITICE BEVERLY,**
15 **individually and as Successor in Interest**
and Personal Representative of the Estate of
MILTON BEVERLY, JR., et al.,

16 Plaintiffs,

17 v.

18 **STATE OF CALIFORNIA, et al.,**

19 Defendants.
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Case No.: 2:17-cv-02395 WBS DB

**STIPULATION TO CONTINUE
SCHEDULING CONFERENCE;
[PROPOSED] ORDER**

Judge: The Honorable William B.
Shubb

Trial Date: Not set

Action Filed: November 14, 2017

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22 A scheduling conference in this case is currently set for January 28, 2019. (ECF No. 57.)
23 Under Federal Rule of Civil Procedure 16(b)(4) and Local Rule 143, the parties, through their
24 counsel of record, agree to and request a continuance of the scheduling conference to March 11,
25 2019, or a similar date convenient for the Court.

26 A scheduling order may be modified only upon a showing of good cause and by leave of
27 Court. Fed. R. Civ. P. 6(b)(1)(A), 16(b)(4); see, e.g., *Johnson v. Mammoth Recreations, Inc.*, 975
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1 F.2d 604, 609. In considering whether a party moving for a schedule modification has good
2 cause, the Court primarily focuses on the diligence of the party seeking the modification.
3 *Johnson*, 975 F.2d at 609 (citing Fed. R. Civ. P. 16 advisory committee's notes of 1983
4 amendment).

5 On November 13, 2018, pursuant to the parties' stipulation, and to allow the Defendants to
6 respond to the complaint at the same time, the court ordered that the deadline for Defendants to
7 respond to the Fourth Amended Complaint extended to December 10, 2018. On December 10,
8 Defendants filed their motion to dismiss the Fourth Amended Complaint. The hearing on the
9 motion to dismiss is set for February 4, 2019. A continuance of the scheduling conference would
10 benefit both the parties and the Court in allowing the motion to dismiss to be resolved before
11 requiring that the parties set discovery and other case deadlines.

12 Based on the foregoing, the parties stipulate as follows: the scheduling conference currently
13 set for January 28, 2019, is continued to March 11, 2019, or a similar date convenient for the
14 Court. At least twenty-one calendar days before the scheduling conference is held, the parties
15 shall confer and attempt to agree upon a discovery plan. The parties shall submit to the Court a
16 joint status report fourteen calendar days before the scheduling conference.

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1 Dated: December 19, 2018

Respectfully submitted,

2 XAVIER BECERRA
3 Attorney General of California
4 JON S. ALLIN
5 Supervising Deputy Attorney General

/s/ Jeremy Duggan

6 JEREMY DUGGAN
7 Deputy Attorney General
8 *Attorneys for Defendants*
9 *Manes, Vue, Ballard, Mohr, Brown, Dutton,*
10 *and Munroe*

11 Dated: December 19, 2018

GLICKMAN & GLICKMAN
A LAW CORPORATION

/s/Nicole Hoikka (as authorized 12/19/2018)


12 STEVEN C. GLICKMAN
13 NICOLE E. HOIKKA
14 *Attorneys for Plaintiffs*

ORDER

15 Good cause appearing, the parties' stipulation to continue the scheduling conference is
16 GRANTED. The scheduling conference currently set for January 28, 2019, is continued to
17 **March 18, 2019 at 1:30 PM.** At least twenty-one calendar days before the scheduling conference
18 is held, the parties shall confer and attempt to agree upon a discovery plan. The parties shall
19 submit to the Court a joint status report no later than **March 4, 2019.**

20 IT IS SO ORDERED.

21 Dated: December 20, 2018

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23 WILLIAM B. SHUBB
24 UNITED STATES DISTRICT JUDGE

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