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 BIMBO BAKERIES USA, INC.

14 UNITED STATES DISTRICT COURT
 15 EASTERN DISTRICT OF CALIFORNIA

17 RONALD WEAVER,
 18 Plaintiff,
 19 vs.
 20 BIMBO BAKERIES, USA, INC., an Ohio
 corporation, and DOES 1 through 30, inclusive,
 21 Defendants.

Case No. 2:18-CV-00303-MCE-EFB

**STIPULATION AND ORDER TO
 EXTEND DEADLINE TO COMPELTE
 DISCOVERY**

Dept.: 7
 Judge: Hon. Morrison C. England, Jr.

23 By and through their respective attorneys of record, Plaintiff Ronald Weaver (“Plaintiff”)
 24 and Defendant Bimbo Bakeries USA (“Defendant”) (collectively, “the Parties”) stipulate and
 25 agree as follows:

26 WHEREAS Plaintiff filed the present action in the Superior Court of California, County
 27 of Sacramento, on December 27, 2017.

1 WHEREAS Plaintiff served his complaint on January 10, 2018, and Defendant removed
2 the action to the United States District Court for the Eastern District of California on February 8,
3 2018 (Dkt. 1);

4 WHEREAS on February 14, 2018, Defendant filed a Motion to Dismiss Plaintiff's
5 Complaint with Prejudice (Dkts. 8 through 9-1);

6 WHEREAS on April 24, 2018, the Court granted Defendant's Motion to Dismiss with
7 leave to amend (Dkt. 14);

8 WHEREAS on June 7, 2018, Plaintiff filed his Amended Complaint for Damages (Dkt.
9 15) and on June 21, 2018, the Parties entered into a Stipulation allowing Plaintiff to file a Second
10 Amended Complaint (Dkt. 16);

11 WHEREAS on June 26, 2018, Plaintiff filed his Second Amended Complaint for
12 Damages (Dkt. 17);

13 WHEREAS on July 10, 2018, Defendant filed a Motion to Dismiss Plaintiff's Second
14 Amended Complaint with Prejudice ("Motion to Dismiss") and set a hearing date of August 23,
15 2018 (Dkts. 18 through 20);

16 WHEREAS on July 10, 2018, the Court issued a Minute Order that the August 23, 2018
17 hearing is vacated and the motion is submitted without appearance and argument (Dkt. 21);

18 WHEREAS on July 20, 2018, Plaintiff filed his opposition to Defendant's Motion to
19 Dismiss (Dkt. 22) and Defendant filed its Reply Memorandum in Support of its Motion to
20 Dismiss (Dkt. 23);

21 WHEREAS as of the date of this Stipulation, the Court has not entered a ruling on
22 Defendant's Motion to Dismiss;

23 WHEREAS the Parties agree that the deadline to complete discovery should be extended
24 by 90 days— i.e., to May 9, 2019 – to allow the Court to rule on Defendant's Motion to Dismiss
25 and provide the Parties sufficient time to conduct discovery if necessary; and

26 WHEREAS the Parties make this request for a deadline extension in the interests of
27 judicial economy, and to otherwise avoid the unreasonable consumption of the Court's and the
28 Parties' time to ensure that the Parties are not forced to conduct discovery in a case that is

1 dismissed or, alternatively, conduct discovery with the status of the operative pleadings uncertain.

2 THEREFORE, the Parties stipulate and agree that the deadline to complete discovery shall
3 be extended up to and including May 9, 2019.

4 DATED: January __, 2019

POSWALL, WHITE & BRELSFORD

5 BY: _____

6 R. PARKER WHITE

7 Attorneys for Plaintiff
8 RONALD WEAVER

9 The undersigned attests that the signatory listed above concurs in the content of this
10 document and has authorized its filing.

11 DATED: January 9, 2019

GBG LLP

12 BY: /s/ Elizabeth A. Brown

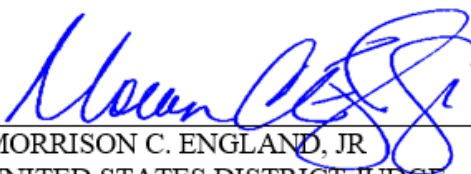
13 ELIZABETH A. BROWN

14 Attorneys for Defendant
15 BIMBO BAKERIES USA, INC.

16
17 **ORDER**

18 IT IS SO ORDERED.

19 Dated: January 16, 2019

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21 MORRISON C. ENGLAND, JR.
22 UNITED STATES DISTRICT JUDGE
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