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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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RAFAEL ARROYO, JR.,

Plaintiff,

v.

KARIM MEHRABI; STARS HOLDING
CO., LLC, a California
Limited Liability Company;
and DOES 1-10,

Defendants.

No. 2:19-cv-1147 WBS CKD
ORDER

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Defendants have filed an ex parte request to continue trial based on their discovery of a lawsuit brought by the district attorneys of San Francisco and Los Angeles against plaintiff's counsel's law firm. (Docket No. 55.) The request is opposed by plaintiff. (Docket No. 57.)

The court notes that while defendants state they became aware of the lawsuit on April 27, 2022, they waited until May 12, less than three weeks before the trial date, to file their ex

1 parte request. The court further notes that the trial date of
2 June 1, 2022 was set on September 7, 2021, when the court adopted
3 the parties' stipulation, and was confirmed in the court's
4 Pretrial Order issued March 30, 2022. (Docket Nos. 38, 49.) The
5 court is ready to trial the case now, and there is no guarantee
6 it will be ready to do so six months from now.

7 Further, the issue of whether plaintiff in fact
8 encountered the alleged barriers in this case, and whether he
9 intended to return, has been in dispute at least since plaintiff
10 filed his motion for summary judgment, if not since the filing of
11 the Complaint in 2019. (See, e.g., Docket No. 41-4, 41-5.)
12 Thus, defendants should have been well aware of any discovery
13 they needed regarding plaintiff's standing in this case, and if
14 necessary, could have requested additional time for discovery
15 months ago. Defendants are also free to raise any defenses and
16 provide any evidence at trial that they believe would negate any
17 elements of the claims at issue in this case, including whether
18 plaintiff has standing.

19 For all the above reasons, defendants' ex parte request
20 to continue trial (Docket No. 55) is DENIED.

21 IT IS SO ORDERED.

22 Dated: May 16, 2022



23 **WILLIAM B. SHUBB**
24 **UNITED STATES DISTRICT JUDGE**