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20 UNITED STATES DISTRICT COURT
21 EASTERN DISTRICT OF CALIFORNIA

23 U.S. EQUAL EMPLOYMENT
24 OPPORTUNITY COMMISSION,

25 Plaintiff,

26 and

27 ARYAN RAHIMI,
28

Case No.: 2:20-CV-02245-MCE-KJN

**STIPULATION AND ORDER TO
EXTEND DEADLINE TO SUBMIT
DISCOVERY PLAN AND TO MODIFY
RULE 26(F) INITIAL DISCLOSURES**

1 Plaintiff-Intervenor

2 vs.

3 CAPPO MANAGEMENT XXIX, INC., d/b/a
4 HARROLD FORD, and VICTORY
AUTOMOTIVE GROUP, INC.

5 Defendants.
6

7 Plaintiff U.S. Equal Employment Opportunity Commission (“EEOC”), Plaintiff-Intervenor
8 Aryan Rahimi (“Rahimi”) and Defendants Cappo Management XXIX, Inc. and Victory Automotive
9 Group, Inc. submit the following stipulation and request that the Court 1) extend the deadline for the
10 parties to submit a Discover Plan pursuant to Local Rule (L.R.) 240(b), 2) extend the deadline for the
11 parties to make Initial Disclosures, and 3) order that the parties may make Initial Disclosures in
12 accordance with the Northern District of California’s General Order No. 71 (Initial Discovery
13 Protocols for Employment Cases Alleging Adverse Action):

14 1. On April 1, 2021, the EEOC and Defendants completed their previously scheduled
15 Fed. R. Civ. P. 26(f) Conference.

16 2. Pursuant L.R. 240(b) and Fed. R. Civ. P. 26(f), respectively, the EEOC and
17 Defendants must submit their proposed discovery plan and provide Initial Disclosures within
18 fourteen days after the conference, in this case, by April 15.

19 3. The EEOC and Defendants continue to meet and confer concerning discovery,
20 including the collection of Electronically Stored Information and the format of document
21 productions.

22 4. On April 4, Rahimi filed her Complaint in Intervention (ECF No. 16), following the
23 Court granting her Motion to Intervene on April 1 (ECF No. 15).

24 5. Plaintiff-Intervenor and Defendants have not yet completed their Fed. R. Civ. P. 26(f)
25 Conference.

26 6. In the interest of efficiency, the parties seek additional time to prepare and to submit a
27 single discovery plan, and to make Initial Disclosures after they have negotiated the collection and
28

1 production format of discovery.

2 7. To promote earlier disclosures of information that may facilitate a potentially prompt
3 resolution of this lawsuit, the parties also seek the Court’s permission to make Initial Disclosures in
4 accordance with the Northern District of California’s General Order No. 71 (Initial Discovery
5 Protocols for Employment Cases Alleging Adverse Action) (Exhibit A) instead of Rule 26(a)(1).
6 General Order No. 71, which was prepared by highly experienced employment lawyers, is intended
7 to focus disclosures “on the type of information most likely to be useful in narrowing the issues for
8 employment discrimination cases.” *Id.* at *1-2. By its terms, General Order 71 supersedes parties’
9 disclosure obligations under Fed. R. Civ. P. 26(a)(1) for certain employment cases. *Id.* at *1.

10 8. Therefore, the parties seek to set as May 17, 2021, the deadline both for the parties to
11 file a Discovery Plan in accordance with L.R. 240(b), and to exchange Initial Disclosures in
12 accordance with General Order No. 71.

13 9. No other discovery deadlines will be affected by this extension.

14 10. The only prior extension or modification of the Initial Pretrial Scheduling Order that
15 the parties have sought from the Court was an extension of the deadline for the EEOC and
16 Defendants to complete their Fed. R. Civ. P. 26(f) Conference. (ECF No. 14).

17 IT IS SO STIPULATED.

18 Dated: April 15, 2021

/s/ Marcia L. Mitchell

Marcia L. Mitchell
EEOC Supervisory Trial Attorney
Attorneys for Plaintiff

19
20
21 Dated: *Authorized on April 15, 2021*

/s/ Elizabeth Zarah

Elizabeth Zarah
Zarah and Associates
Attorneys for Plaintiff-Intervenor

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23
24 Dated: *Authorized on April 15, 2021*

/s/ Diane Aqui

Diane Aqui
Partner
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ORDER

GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED as follows:

May 17, 2021, shall be the deadline for all parties to:

(1) File a Discovery Plan in accordance with L.R. 240(b);

(2) Exchange Initial Disclosures, which shall be made in accordance with Northern District of California's General Order No. 71 (Initial Discovery Protocols for Employment Cases Alleging Adverse Action).

IT IS SO ORDERED.

Dated: April 27, 2021



MORRISON C. ENGLAND, JR.
SENIOR UNITED STATES DISTRICT JUDGE