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 VICTOR GAVIN

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17 Attorneys for Defendant Pacific Bell Telephone  
 18 Company, *erroneously sued as AT&T Services,*  
 Inc.

19 UNITED STATES DISTRICT COURT  
 20 EASTERN DISTRICT OF CALIFORNIA, SACRAMENTO DIVISION

21 VICTOR GAVIN, an individual;  
 22 Plaintiff,  
 23 v.  
 24 AT&T SERVICES, Inc., an unknown business  
 25 entity; DIANE MATAYOSHI, an individual;  
 and DOES 1 through 100, inclusive;  
 26 Defendants.  
 27  
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Case No. 2:20-cv-02246-JAM-AC

**STIPULATION TO CONTINUE THE  
 DEADLINE FOR RULE 26(f) MEET AND  
 CONFER AND JOINT STATUS REPORT  
 AND ORDER**

1050-0004 347156.1

1 Plaintiff Victor Gavin (“Plaintiff”) and Defendant Pacific Bell Telephone Company,  
2 erroneously sued as AT&T Services, Inc., (“Defendant”) (collectively, the “Parties”), by and  
3 through their counsel, agree and stipulate as follows:

4 Whereas, on October 2, 2020, Plaintiff filed his Unverified Complaint in the Superior  
5 Court of the County of El Dorado, and on November 5, 2020, Defendant AT&T Services, Inc.  
6 filed its Answer containing a general and specific denial of all allegations set forth in the  
7 Unverified Complaint, and twenty-four affirmative defenses;

8 Whereas, on November 9, 2020, Defendant removed the action to the United States  
9 District Court, Eastern District of California (Dkt. #1);

10 Whereas, on December 16, 2020, PECK-LAW, *Employment and Civil Rights* made its  
11 appearance as co-counsel for Plaintiff (Mythily Sivarajah made her appearance on December 16,  
12 2020; Elizabeth M. Peck made her appearance on January 4, 2021), approximately three weeks  
13 before the deadline to meet and confer and submit a Joint Status Report (i.e., January 8, 2021);

14 Whereas, the individual Defendant Diana Matayoshi has not yet been served;

15 Whereas, pursuant to the Court’s November 10, 2020 Order Requiring Service of Process  
16 and Joint Status Report (Dkt #3), the deadline to meet and confer and submit a Joint Status Report  
17 is January 8, 2021;

18 Whereas, the Parties met and conferred by telephone on December 16, 2020 and  
19 determined that the Parties should consider amendment of their respective pleadings, to consider  
20 joinder and/or dismissal of currently named parties, and to amend the claims to comport with the  
21 factual circumstances alleged by Plaintiff.

22 Whereas, Plaintiff desires to amend his Complaint in light of the pleading requirements in  
23 federal court, thus giving Defendant an opportunity to determine whether to file an additional  
24 responsive pleading;

25 Whereas, Plaintiff’s counsel informed the corporate Defendant’s counsel of Plaintiff’s  
26 intention to seek dismissal of several of the corporate Defendant’s affirmative defenses under Fed.  
27 R. Civ. P., Rule 12;

28 Whereas, these amendments will allow the Parties to meaningfully complete their Rule

1 26(f) meet and confer conference with an accurate understanding of the facts and defenses  
2 appropriately at issue;

3         Whereas, the Parties do not believe it would be efficient to create a Joint Status Report  
4 while the pleadings have yet to be finalized and before the named parties are settled, including the  
5 individual Defendant Matayoshi;

6         Now therefore, the Parties, through their respective counsel of record, for good cause as  
7 shown stipulate and request the Court enter an order continuing the deadline pursuant to this  
8 Court's Order Requiring Service of Process and Joint Status Report (Docket #3) to meet and  
9 confer and submit a Joint Status Report by sixty (60) days, from January 8, 2021 to March 9,  
10 2021.

11         IT IS SO STIPULATED.

12         DATED: January 05, 2021

PECK-LAW, EMPLOYMENT & CIVIL RIGHTS

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/s/ Mythily Sivarajah (as authorized on 01/05/21)

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Elizabeth M. Peck

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Kevin Schwin, *Of Counsel*

Mythily Sivarajah

Attorneys for Plaintiff Victor Gavin

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DATED: January 05, 2021

SANCHEZ & AMADOR, LLP

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/s/ Bradford N. Paul

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Jamie Rudman

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Bradford N. Paul

Attorneys for Defendant Pacific Bell Telephone

Company, *erroneously sued as AT&T Services, Inc.*

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**ORDER**

Pursuant to the Parties' stipulation, and good cause appearing, the Court continues the deadline for the Parties to meet and confer and submit a Joint Status Report in accordance with this Court's Order Requiring Service of Process and Joint Status Report (Dkt #3) by 60 days, from January 8, 2021 to March 9, 2021.

IT IS SO ORDERED.

Dated: January 6, 2021

/s/ John A. Mendez

THE HONORABLE JOHN A. MENDEZ  
UNITED STATES DISTRICT COURT JUDGE