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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN FRANCISCO DIVISION

14 AUDLEY BARRINGTON LYON, JR., et. al.,
15 Plaintiffs,
16 v.
17 UNITED STATES IMMIGRATION AND
18 CUSTOMS ENFORCEMENT, et. al.,
19 Defendants.

Case No.: 13-cv-05878 EMC

**JOINT STIPULATION REQUESTING
MODIFICATION OF PRETRIAL
DEADLINES AND TELEPHONIC
APPEARANCE AT CASE
MANAGEMENT CONFERENCE;
[PROPOSED] ORDER**

(Denied. See Page 5)

CLASS ACTION

21
22 The Parties to this action hereby agree to the following and seek an order (1) extending
23 the deadlines for the pretrial filings set forth in the Court’s Pretrial Instructions, Parts B & C (*see*
24 ECF No. 96), from March 29, 2016, to April 12, 2016; and (2) permitting counsel for Defendants
25 to appear by telephone at the Case Management Conference scheduled for Wednesday, March
26 23, 2016. As good cause for this request, the Parties state the following:
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1 Last Friday, March 18, 2016, this Court issued its Order Granting in Part and Denying in
2 Part Defendants’ Motion for Summary Judgment; and Denying Plaintiffs’ Motion for Summary
3 Judgment. *See* ECF No. 167. In so doing, the Court made rulings that will guide the parties’
4 presentation of their cases at trial. *See generally id.* It also ordered the parties “to meet and
5 confer, in order to reach a stipulation to undisputed facts (as found and set forth in this Order) for
6 trial,” and set a Case Management Conference for Wednesday, March 23, 2016, at 10:00 a.m. to
7 delineate the scope and nature of the trial. *Id.* at p. 46.

8 Trial in this case is scheduled to begin May 23, 2016, and the Final Pretrial Conference is
9 currently scheduled for April 19, 2016. *See* ECF No. 96 (scheduling order); ECF No. 107
10 (rescheduling Final Pretrial Conference to April 19, 2016). The required pretrial filings—
11 including the Joint Pretrial Conference Statement, fully briefed Motions in Limine, Findings of
12 Fact and Conclusions of Law, and Trial Briefs—are due on March 29, 2016. *See* ECF No. 96,
13 Pretrial Instructions, Parts B&C. Plaintiffs are also taking a trial deposition of their own witness
14 during the week of March 21, 2016, in Bakersfield, California as well as a deposition of
15 Defendants’ recently disclosed substitute expert witness on April 7, 2016.¹

16 The Parties, through counsel, met and conferred regarding preparation of the Joint
17 Pretrial Conference Statement and had agreed upon deadlines for the exchange of the
18 components of that statement. The Parties agreed to staggered deadlines, many of which fall
19 during the week of March 21, 2016, regarding the exchange of proposed undisputed facts,
20 witness and exhibit lists, and deposition designations, and the objections and responses thereto,
21 to allow time for the Parties to meet and confer prior to submitting disputes to the Court.

22 The Court’s recent Order on Summary Judgment impacts these components of the Joint
23 Pretrial Conference Statement, as well as the parties’ Proposed Findings of Fact and Conclusions

24 _____
25 ¹ Plaintiffs also intend to file a request for leave to file a motion for reconsideration of one aspect
26 of the Court’s Order on Summary Judgment, pursuant to Local Civil Rule 7-9. Plaintiffs
27 represent that this request and any ruling on the requested motion for reconsideration will not
28 impact the denial of summary judgment or the evidence to be presented at trial and therefore will
not significantly impact the Parties’ pretrial filings, but will require additional time for Plaintiffs
to prepare and for Defendants to respond to.

1 of Law and Trial Briefs. The Parties now jointly request additional time to submit the pretrial
2 filings in light of the Order on Summary Judgment. A continuance of the March 29 deadline
3 would allow the Parties time to further evaluate the effect of the Order on the Joint Pretrial
4 Conference Statement and related pretrial filings, to conform those filings, as necessary, to the
5 Court's Order and further guidance provided at the Case Management Conference scheduled for
6 May 23, to assert objections and responses thereto, and to engage in a meaningful meet and
7 confer process before submitting objections or disputes to the Court. Specifically, the Parties
8 respectfully request that the Court allow the Parties until April 12, 2016, to submit the Joint
9 Pretrial Conference Statement and the Pretrial Materials listed in Part C of the Court's Pretrial
10 Instructions.

11 Further, in light of the imminent pretrial deadlines and the preservation deposition
12 currently scheduled to take place in Bakersfield, California, on March 23, 2016, the same day as
13 the Case Management Conference, the Parties respectfully request that counsel for Defendants
14 be permitted to appear by telephone at the Case Management Conference in order to minimize
15 travel time and allow Defendants' counsel to focus on trial preparation.

16 Dated: March 21, 2016

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U.S. DEPARTMENT OF JUSTICE

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5 Dated: March 21, 2016

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1 **CERTIFICATE OF SERVICE**

2 No. 3:13-cv-05878-EMC

3 I hereby certify that on this 21st day of March 2016, a true and correct copy of the
4 foregoing **JOINT STIPULATION REQUESTING MODIFICATION OF PRETRIAL**
5 **DEADLINES AND TELEPHONIC APPEARANCE AT CASE MANAGEMENT**
6 **CONFERENCE** was served with the Clerk of Court by using the CM/ECF system, which
7 provided an electronic notice and electronic link of the same to all attorneys of record through
8 the Court's CM/ECF system.
9

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