September 27, 2016 at 11:00 a.m. ECF No. 43. 2 Defendant's counsel promptly e-mailed Judge Ryu's Courtroom Deputy, Ms. Garcia, to advise 3 that lead counsel for both parties were unavailable on September 27, 2016 for a settlement conference and proposed some dates in early October that all parties were available. Ms. Garcia promptly responded 4 5 and advised that Judge Ryu had ordered the parties to e-file a document about the scheduling conflict and to list all available dates in October for which the parties are available for a settlement conference. 6 7 On July 28, 2016, Ms. Garcia advised that the parties should also list available dates in November. 8 The Court's notice (ECF No. 43) specifies that "Lead trial counsel shall appear at the settlement conference . . . ". Plaintiff's lead trial counsel, Marjorie Heinrich, is unavailable on September 27, 2016 10 because she will be on a long-planned vacation that week and it is not possible to change the dates of this vacation. Defendant's lead trial counsel, AUSA Michael Pyle, is currently scheduled for a medical 11 12 procedure the morning of September 27; that procedure cannot be performed earlier and Mr. Pyle has 13 been advised that it should not be further delayed. 14 The parties report that they are available on the following days in October: 15 6, 7, 11, 12, 13, 14, 17, 18, 19, 20, 21, 24, 25, 26, 27, 28 or 31. 16 The parties report that they are available on the following days in November: 17 1, 2, 3, 4, 7, 8, 9, 10, 14, 15, 16, 17, or 18. 18 The parties would prefer the earliest possible date that is consistent with Judge Ryu's schedule. 19 For the Court's convenience, the parties have included a proposed order below. Respectfully submitted, DATED: July 28, 2016 20 21 MARJORIE J. HEINRICH 22 Attorney For JOHN P. ROBINSON 23 As the ECF User whose identification and password are being used to file this Stipulation, I attest under penalty of perjury that plaintiff's counsel has concurred in the filing of this document. 24 25 /// 26 27 28

JOINT NOTICE OF LEAD TRIAL COUNSEL'S UNAVAILABILITY FOR SETTLEMENT CONFERENCE &

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(PROPOSED) ORDER

Case No. 14-03532 MMC (DMR)

Respectfully submitted,

BRIAN J. STRETCH United States Attorney

/s/ Michael T. Pyle
MICHAEL T PYLE
Assistant United States Attorney

## [PROPOSED] ORDER

The Court continues the settlement conference in this case from September 27, 2016, at the request November of the parties based on the unavailability of lead trial counsel, to October 3, 2016 at 11:00 a.m., at the U.S. District Court, 1301 Clay Street, Oakland California, 94612. Except for this change in the date of the settlement conference, all provisions in the Court's order (ECF No. 43) shall be complied with by the parties.

DATED: July28, 2016

DATED: July 28, 2016



JOINT NOTICE OF LEAD TRIAL COUNSEL'S UNAVAILABILITY FOR SETTLEMENT CONFERENCE &  $[\mathsf{PROPOSED}]$  ORDER