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Attorneys for Defendant



9 UNITED STATES DISTRICT COURT  
10 NORTHERN DISTRICT OF CALIFORNIA  
11 SAN FRANCISCO DIVISION

13 QUO VAT ESTELL,  
14 Plaintiff,

15 v.

16 JOHN MCHUGH, SECRETARY, U.S. ARMY,  
17 Defendant.

) Case No.: 3:15-cv-04898-MEJ  
)  
)  
)

**STIPULATION ALLOWING DEFENDANT  
LEAVE TO FILE AMENDED MOTION TO  
DISMISS**

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19 Plaintiff Quo Vat Estell (“Plaintiff”) and Defendant Eric K. Fanning, Secretary, United States  
20 Army (“Defendant”), by and through their respective counsel, make the following representations and  
21 stipulate and agree as follows:

22 1. On May 31, 2016, Defendant filed a motion to dismiss Plaintiff’s First Amended  
23 Complaint. Dkt. No. 15.

24 2. On June 3, 2016, Defendant contacted Plaintiff and indicated that there is a factual error  
25 in Defendant’s motion which, once corrected, will eliminate one argument made in the motion.  
26 Specifically, Plaintiff received her Notice of Right to File a Formal Complaint of Discrimination by  
27 certified mail on April 1, 2014. Defendant’s motion currently states that Plaintiff received the Notice  
28 document on March 26, 2014, as indicated in the Equal Employment Opportunity (“EEO”) Counselor’s

1 report, which is an error. Defendant wishes to withdraw the argument that Plaintiff's Formal EEO  
2 complaint was untimely filed. *See* Dkt. No. 15 at Section III(C)(1).

3 3. Based on the foregoing, the parties stipulate and agree that Defendant may file an  
4 amended motion to dismiss on June 3, 2016 correcting the above-referenced fact and withdrawing the  
5 affected argument. Defendant will not add any new argument to the amended motion.

6 4. Plaintiff will have the requisite fourteen days to oppose the amended motion, and  
7 Defendant will have seven days to respond.

8 5. The parties stipulate and agree to a July 14, 2016 hearing date for the amended motion.

9 DATED: June 3, 2016

Respectfully submitted,

10 /s/ Maureen E. McFadden

11 MAUREEN E. McFADDEN  
Counsel for Plaintiff

12 DATED: June 3, 2016

Respectfully submitted,

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14 BRIAN J. STRETCH  
United States Attorney

15 /s/ Ann Marie Reding<sup>1</sup>

16 ANN MARIE REDING  
17 Assistant United States Attorney  
Attorneys for Defendant

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<sup>1</sup> I, Ann Marie Reding, hereby attest that I obtained the concurrence in the filing of this document of all signatories whose signatures are represented by /s/.