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Attorneys for Defendant LORETTA LYNCH

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

12 RUBEN SUMERA,	)	No. 4:13-cv-01950-KAW
	)	
13 Plaintiff,	)	<b>STIPULATION AND <del>PROPOSED</del> ORDER RE</b>
	)	<b>CASE SCHEDULE</b> (AS MODIFIED BY THE
14 v.	)	
	)	The Honorable Kandis A. Westmore
15 LORETTA LYNCH, Attorney General of the	)	
16 United States, in her official capacity;	)	
	)	
17 Defendant.	)	
	)	
18	)	

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20 **STIPULATION**

21 WHEREAS, Assistant United States Attorney Michelle Lo has been the lead defense lawyer on  
22 this matter and has handled all aspects of the day-to-day litigation;

23 WHEREAS, AUSA Lo went into an earlier-than-anticipated labor and gave birth to her first  
24 child on Saturday, October 3, 2015;

25 WHEREAS, AUSA Lo had hoped to file defendant's summary judgment motion, currently due  
26 on October 16, 2015, before going out on leave, but was unable to do so in light of her baby's early  
27 arrival;

28 WHEREAS, AUSA Lo will be out on maternity leave for a number of months, including through

1 the January 25, 2016 trial scheduled herein;

2 WHEREAS, this matter has just been reassigned to Assistant United States Attorney Wendy M.  
3 Garbers, who is unfamiliar with the file and will need some additional time to get up to speed and to  
4 prepare defendant’s summary judgment motion;

5 IT IS HEREBY STIPULATED, by the parties to the above-captioned action, by and through their  
6 respective counsel of record, that all operative deadlines in this matter be extended approximately 45 days  
7 (slightly modified due to the holidays). Subject to the Court’s availability, the parties propose the following  
8 schedule:

<u>Deadline</u>	<u>Current</u>	<u>Proposed</u>
Defendant’s Summary Judgment Motion Due	October 16, 2015	November 19, 2015
Plaintiff’s Summary Judgment Opposition Due	October 30, 2015	December 8, 2015
Defendant’s Summary Judgment Reply Due	November 6, 2015	December 23, 2015
Summary Judgment Hearing	November 19, 2015	February 4, 2016 <del>January 7, 2016</del>
Pretrial Conference	January 12, 2016 at 3:00 p.m.	July 5, 2016 <del>March 1, 2016</del> at 3:00 p.m.
Trial	January 25-29, 2016	July 25-29, 2016 <del>March 14-18, 2016</del>

18 DATED: October 6, 2015

19 Respectfully submitted,

20 BRIAN J. STRETCH  
Acting United States Attorney

21 /s/ Wendy M. Garbers  
22 WENDY M. GARBERS  
Assistant United States Attorney

23 DATED: October 6, 2015

24 LAW OFFICE OF RUSSELL A. ROBINSON

25 /s/ Russell A. Robinson\*  
26 Russell A. Robinson  
Attorney for Plaintiff

27 \*In compliance with Civil Local Rule 5-1(i)(3), the filer of this document attests under penalty of perjury  
28 that plaintiff has concurred in the filing of this document.

1 ~~PROPOSED~~ ORDER

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3 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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5 Dated: 10/07/2015

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7  
8 THE HONORABLE KANDIS A. WESTMORE

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