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YAO, LEROY HARRIS, MARC DECOULODE,
AND JOEY WILLIAMS

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

JOHN JENNINGS, et al.,

Plaintiff,

vs.

REGENTS OF THE UNIVERSITY OF
CALIFORNIA, et al.,

Defendants.

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Case No. 18-CV-00268-CW

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING INITIAL CASE
MANAGEMENT CONFERENCE,
CONTINUING DEADLINE TO FILE
SECOND AMENDED COMPLAINT, AND
SETTING BRIEFING SCHEDULE ON
MOTION TO DISMISS SECOND
AMENDED COMPLAINT**

Judge: Hon. Claudia Wilken

1 **STIPULATION**

2 In support of this Stipulation, the Parties state as follows:

3 WHEREAS, an Initial Case Management is set for December 18, 2018;

4 WHEREAS, pursuant to the Parties' February 12, 2018 Stipulation, Defendants
5 Napolitano, Dirks, Christ, Sutton, Greenwell, Bennett, Yao, Harris, DeCoulode, and Williams (the
6 "UC Defendants") moved to dismiss Plaintiffs' First Amended Complaint on March 26, 2018;

7 WHEREAS, on November 14, 2018, the Court entered an order granting the UC
8 Defendants' motion to dismiss, with leave to amend in certain respects, within 21 days;

9 WHEREAS, Plaintiffs intend to file Second Amended Complaint and require additional
10 time to prepare that pleading, and no other party objects to providing an extension to December
11 19, 2018 to file the Second Amended Complaint;

12 WHEREAS, the UC Defendants expect to file a motion to dismiss the Second Amended
13 Complaint, which motion would be due on January 2, 2019 if the complaint is filed on December
14 19, 2018, with oppositions due on January 16, 2019, and replies due on January 23, 2019;

15 WHEREAS, in light of the holidays and the schedules of counsel and the parties, the
16 parties agree that it would be more efficient to set a briefing schedule whereby any motion to
17 dismiss is due on January 18, 2019, any oppositions to that motion are due on February 1, 2019,
18 and any replies are due on February 15, 2019, with a hearing 7 days or more after February 15,
19 2019;

20 WHEREAS, the Parties agree that it would be inefficient and premature to proceed with
21 the initial Case Management Conference or the associated Rule 26(f) joint report in light of the
22 pending motion to dismiss;

23 WHEREAS, the Court has previously continued the Initial Case Management Conference
24 by stipulation from June 26, 2018 to September 4, 2018, again from September 4, 2018 to
25 November 6, 2018, and again from November 6, 2018 to December 18, 2018.

26 NOW THEREFORE, Plaintiffs and Defendants through their counsel of record stipulate
27 and respectfully request that the Court order the following:

- 28 1. The Second Amended Complaint is due on December 19, 2018.

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DATED: November 28, 2018

/s/ Bryan H. Heckenlively
BRYAN H. HECKENLIVELY


1 ~~PROPOSED~~ ORDER

2 The Court hereby CONTINUES the Initial Case Management Conference currently set for
3 December 18, 2018 at 2:30 p.m to March 19, 2019 at 2:30 p.m.. A joint Case Management
4 Statement is due March 12, 2019. The parties shall meet and confer regarding Rule 26 initial
5 disclosures, early settlement, ADR process selection, and discovery plan no later than February
6 26, 2019.

7 Plaintiffs' Second Amended Complaint is due on December 19, 2018. Any motions to
8 dismiss the Second Amended Complaint are due on January 18, 2019, any oppositions to that
9 motion are due on February 1, 2019, and any replies are due on February 15, 2019.

10 IT IS SO ORDERED.

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12 DATED: 11/29/2018

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15 Honorable Claudia Wilken
16 United States District Judge
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