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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 U.S. EQUAL EMPLOYMENT OPPORTUNITY
11 COMMISSION,

12 Plaintiff,

13 v.

14 MAURIZIO'S TRATTORIA ITALIANA, LLC
15 AND DOES 1-10,

16 Defendant.
17

Case No.: 18cv338-MMA(BLM)

**ORDER STAYING CASE FOR SIXTY
DAYS, CONTINUING PRETRIAL
DEADLINES, AND SETTING DEADLINE
FOR DEFENSE COUNSEL TO FILE A
NOTICE OF APPEARANCE**

[ECF No. 26]

18 On April 26, 2019, the parties filed a Second Joint Motion to Extend Discovery and Pretrial
19 Motion Deadlines. ECF No. 20-1. The parties sought to continue the remaining deadlines by
20 approximately five months due to the health of defense counsel, who was hospitalized for a
21 serious heart condition and was ordered to "avoid intense work activities such as trials,
22 depositions, and travel for another two to three months." Id. at 2-3; see also ECF No. 20-3,
23 Declaration of Gregory A. Lutz Supporting Joint Motion to Extend Discovery and Pretrial Motion
24 Deadlines. On May 1, 2019, the Court issued an Order Granting Second Joint Motion to Extend
25 Discovery and Pretrial Motion Deadlines. ECF No. 21.

26 On August 5, 2019, Plaintiff filed a Status Report Regarding Defense Counsel and
27 Discovery. ECF No. 23. In the report, Plaintiff stated that the parties "noticed the depositions
28 of Defendant's witnesses for September 6, 13, and 27. The deponents include, Maurizio

1 Carbone, Defendant’s owner and manager, and five other employees.” Id. at 2. Plaintiff also
2 stated that on July 8, 2019, it was informed by Mr. Russell De Phillips, an attorney and Executor
3 of the Will of Mr. Lutz, that Mr. Lutz, defense counsel, passed away and that Defendant is still
4 seeking new counsel. Id.

5 On August 7, 2019, Mr. De Phillips filed a Notice of Death of Counsel stating that Mr.
6 Lutz passed away on July 2, 2019 and requesting a stay of the action to permit Defendant to
7 find new counsel. ECF No. 24. That same day, Judge Anello ordered Plaintiff to file any response
8 to Defendant’s notice and request by August 12, 2019. ECF No. 25. On August 7, 2019, Plaintiff
9 filed its response. ECF No. 26. Plaintiff states that while it is not in favor of an indefinite stay,
10 it will not oppose a stay of up to sixty days to permit Defendant to retain new counsel and get
11 up to speed on the case “provided that the current discovery and motion deadlines set forth in
12 Magistrate Judge Major’s May 1, 2019 Order are also extended for the same amount of time as
13 the length of the stay.” Id. at 1-3. Plaintiff does not feel that an indefinite stay is appropriate
14 given that (1) the case has been pending since early 2018, (2) the pretrial deadlines have already
15 been continued twice, and (3) Defendant has already had more than a month to begin looking
16 for new counsel. Id. If the case is stayed, Plaintiff requests that Judge Major hold a telephonic
17 status conference in approximately thirty days for an update on Defendant’s search for new
18 counsel. Id. at 4.

19 Good cause appearing, Defendant’s request for a stay is **GRANTED**. The instant matter
20 will be stayed until **October 7, 2019**. The remaining case deadlines are **CONTINUED** as
21 follows:

	Current Deadline	New Deadline
22 Fact Discovery Completion	October 18, 2019	December 20, 2019
23 Expert Designations	October 18, 2019	December 20, 2019
24 Rebuttal Expert Designations	November 18, 2019	January 17, 2019
25 Expert Disclosures	October 18, 2019	December 20, 2019
26 Supplemental Expert Disclosures	November 18, 2019	January 17, 2020
27 Expert Discovery Completion	December 18, 2019	February 17, 2020

1 Pretrial Motions¹

January 27, 2020

March 27, 2020

2 All other guidelines and requirements remain as previously set. See ECF Nos. 11, 19 and
3 21.

4 The Court declines to set a telephonic Case Management Conference at this time.
5 Defendant is **ORDERED** to retain new counsel and the new attorney must file a Notice of
6 Appearance on or before **September 5, 2019**.

7 **IT IS SO ORDERED.**

8 Dated: 8/9/2019


9 Hon. Barbara L. Major
10 United States Magistrate Judge

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25 ¹ If appropriate, following the filing of an order ruling on a motion for summary judgment or
26 other dispositive pretrial motion, or in the event no such motion is filed, after the expiration of
27 the pretrial motion filing deadline, Judge Anello will issue a pretrial scheduling order setting a
28 pretrial conference, trial date, and all related pretrial deadlines. The parties must review and be
familiar with Judge Anello's Civil Chambers Rules, which provide additional information regarding
pretrial scheduling.