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7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **DISTRICT OF NEVADA**

10 ANNA GALAZA,	)	Case No. 2:16-CV-00878-RFB-CWH
	)	
11 Plaintiff,	)	
	)	
12 v.	)	
	)	
13 JEH CHARLES JOHNSON, an individual;	)	<b><u>JOINT MOTION TO DEFER EARLY</u></b>
DOE INDIVIDUALS 1 through 300;	)	<b><u>NEUTRAL EVALUATION SESSION</u></b>
14 and ROE BUSINESS OR GOVERNMENTAL	)	
ENTITIES 1 through 300, Inclusive,	)	
	)	
15 Defendant.	)	
16	)	

17  
 18 COME NOW Plaintiff Anna Galaza (“Plaintiff”) and Defendant Jeh Charles Johnson,  
 19 Secretary of the Department of Homeland Security (“Defendant”), and jointly move to defer the Early  
 20 Neutral Evaluation (“ENE”) Session currently scheduled for November 14, 2016 pending the Court’s  
 21 ruling on Defendant’s Motion to Dismiss. (ECF Nos. 13-14).

22 **ARGUMENT**

23 On April 18, 2016, Plaintiff filed this action against Defendant and other unnamed defendants,  
 24 alleging violations of the Rehabilitation Act and Title VII of the Civil Rights Act. (ECF No. 1). The

1 claims asserted relate to Plaintiff's previous employment as a Transportation Security Officer with the  
2 Transportation Security Administration, Department of Homeland Security. (ECF No. 1). On September  
3 16, 2016, Defendant moved to dismiss the case on jurisdictional grounds. (ECF No. 13). The Court has  
4 not yet ruled on the motion. Because Defendant's motion has not yet been decided, the parties will be  
5 unable to meaningfully participate in the scheduled ENE Session as they cannot properly frame the  
6 issues in the litigation or proffer a fair and reasonable settlement amount. Accordingly, the parties  
7 jointly request that the ENE Session be deferred until after the Court rules on Defendant's Motion to  
8 Dismiss. Should Plaintiff's claims survive Defendant's motion, an ENE Session can be scheduled at that  
9 time.

### 10 CONCLUSION

11 For the reasons argued above, the parties respectfully request that the ENE Session scheduled  
12 for November 14, 2016 be deferred until after the Court rules on Defendant's Motion to

13 Dismiss. IT IS HEREBY ORDERED that a status conference is scheduled for 10:00 a.m., February  
14 7, 2017, in courtroom 3D.

15 Dated: September 28, 2016.

16 DANIEL G. BOGDEN  
17 United States Attorney

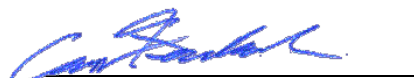
PHILIP J. TRENCHAK, ESQ.  
Law Office of Philip J. Trenchak, Esq.

18 /s/ Holly A. Vance  
19 HOLLY A. VANCE  
Assistant United States Attorney

/s/ Philip J. Trenchak  
PHILIP J. TRENCHAK  
Counsel for Plaintiff, Galaza

21 IT IS SO ORDERED:

22  
23 Dated: October 4, 2016.

  
CAM FERENBACH  
U.S. Magistrate Judge