

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Dec 13, 2016

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JAY HYMAS d/b/a DOSMEN
FARMS,

No. 4:16-CV-5091-SMJ

Plaintiff,

**ORDER GRANTING
DEFENDANT’S MOTION TO
VACATE NOTICE SETTING
SCHEDULING CONFERENCE**

v.

THE UNITED STATES,

Defendant.

Before the Court, without oral argument, is Defendant The United States’ Motion to Vacate Scheduling Conference Notice, ECF No. 84. Defendant notes that the Court granted plaintiff leave to file a second amended complaint by December 14, 2016, and argues that a scheduling conference would be premature before Defendant has an opportunity to review and respond to any amended complaint. ECF No. 84 at 1–2. Defendant further argues that this case is exempt from the requirements of Rule 26(a) and (f), and therefore the parties should not be required to discuss and propose a plan concerning discovery. ECF No. 84 at 2–3.

The Court finds that good cause exists to continue the scheduling conference to permit Defendant time to review and respond to any amended complaint that Plaintiff may file. The Court also agrees with Defendant that because this is an

1 action for review on an administrative record, certain requirements of Rule 26 are
2 inapplicable. Fed. R. Civ. P. 26(a)(1)(B), (f)(1). Accordingly, the Notice Setting
3 Court's Scheduling Conference, ECF No. 83, is vacated. However, because the
4 Court is obligated to set an appropriate schedule for proceedings in this matter, *see*
5 Fed. R. Civ. P. 16(b), the parties shall file a status report on or before January 13,
6 2017, advising the court of the status of this matter and proposing a schedule for
7 further proceedings. The telephonic scheduling conference currently set for January
8 6, 2017, at 1:30 p.m., is reset for January 27, 2017, at 9:00 a.m.

9 Accordingly, **IT IS HEREBY ORDERED:**

- 10 **1.** Defendant's Motion to Vacate Scheduling Conference Notice, **ECF**
11 **No. 84**, is **GRANTED**.
- 12 **2.** The telephonic scheduling conference currently set for January 6,
13 2017, at 1:30 p.m., is **reset** for **January 27, 2017, at 9:00 a.m.** Parties
14 are directed to call the Court's public conference line: **1-888-808-**
15 **6929**; Enter Access Code: **7286684**; and Security Code: **0900** at the
16 time specified for hearing. Use of mobile and/or speaker phones is
17 prohibited.
- 18 **3.** The parties shall file a status report, jointly or separately, on or before
19 **January 13, 2017**, advising the court of the status of this matter and
20 proposing a schedule for further proceedings.

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