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Attorneys for the Federal Defendant

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TONIA JOHNS,

Plaintiff,

v.

MEGAN J. BRENNAN, POSTMASTER
GENERAL, UNITED STATES POSTAL
SERVICE,

Defendant.

CASE NO. 2:15-CV-1910-GEB-DAD

**JOINT STIPULATION AND [PROPOSED]
ORDER TO CONTINUE SCHEDULING
CONFERENCE**

**JUDGE: HON. GARLAND E. BURRELL, JR.
CTRM.: 6, 14th Floor**

Federal Defendant Postmaster General Megan J. Brennan of the United States Postal Service and Plaintiff Tonia Johns respectfully request that the Court continue the Scheduling conference currently set for November 23, 2015, at 9:00 a.m. Because Plaintiff served the United States Attorney's office on November 2, 2015, Postmaster Brennan's response to Plaintiff's complaint is due on January 4, 2016. *See* Fed. Rules of Civ. Proc. 12 (a)(2)(United States officer sued in official capacity has 60 days from service on the United States Attorney to respond to complaint), 6 (a)(1)(C) (response period that ends on a legal holiday continues until the next day that is not a weekend or legal holiday). The United States Postal service is currently gathering information and preparing a litigation report to enable Federal Defendant's counsel to prepare an appropriate response to Plaintiff's complaint. Accordingly, the parties are not yet in a position to hold a Federal Rule of Civil Procedure 26(f) discovery conference and propose a schedule and discovery plan to the Court. The parties therefore propose that the Court

1 continue the Scheduling Conference until February 2016 to allow time for Federal Defendant's response
2 and a subsequent discovery conference.

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5 Respectfully submitted,

6 BENJAMIN B. WAGNER
7 United States Attorney

8 Dated: November 4, 2015

9 By: /s/ Victoria L. Boesch
10 VICTORIA L. BOESCH
11 Assistant United States Attorney
12 Attorneys for Megan L. Brennan, Postmaster General,
13 United States Postal Service

14 PARK MINKLER

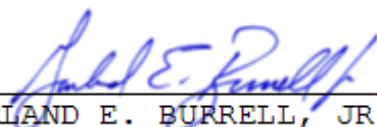
15 Dated: November 4, 2015

16 By: /s/ Nancy Park (authorized on 11/4/15)
17 NANCY PARK
18 Attorney for Plaintiff Tonia Johns

19 The pretrial scheduling conference, currently set for November 23, 2015, is rescheduled for
20 February 1, 2016, at 9:00 a.m. A joint status report shall be filed fourteen days prior to the hearing.

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22 **IT IS SO ORDERED.**

23 Dated: November 5, 2015

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GARLAND E. BURRELL, JR.
Senior United States District Judge