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6 Attorneys for the Federal Defendant

7
8 IN THE UNITED STATES DISTRICT COURT
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11 EASTERN DISTRICT OF CALIFORNIA

12 TONIA JOHNS,

13 Plaintiff,

14 v.

15 MEGAN J. BRENNAN, POSTMASTER
16 GENERAL, UNITED STATES POSTAL
17 SERVICE,

18 Defendant.

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

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

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

18 Federal Defendant Postmaster General Megan J. Brennan of the United States Postal Service and
19 Plaintiff Tonia Johns respectfully request that the Court continue the Scheduling conference currently
20 set for November 23, 2015, at 9:00 a.m. Because Plaintiff served the United States Attorney's office on
21 November 2, 2015, Postmaster Brennan's response to Plaintiff's complaint is due on January 4, 2016.
22 See Fed. Rules of Civ. Proc. 12 (a)(2)(United States officer sued in official capacity has 60 days from
23 service on the United States Attorney to respond to complaint), 6 (a)(1)(C) (response period that ends
24 on a legal holiday continues until the next day that is not a weekend or legal holiday). The United States
25 Postal service is currently gathering information and preparing a litigation report to enable Federal
26 Defendant's counsel to prepare an appropriate response to Plaintiff's complaint. Accordingly, the
27 parties are not yet in a position to hold a Federal Rule of Civil Procedure 26(f) discovery conference and
28 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

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16 PARK MINKLER

17 Dated: November 4, 2015

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

21 The pretrial scheduling conference, currently set for November 23, 2015, is rescheduled for
22 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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24 **IT IS SO ORDERED.**

25 Dated: November 5, 2015

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