

1 Civil Procedure 26(f) is presently December 16, 2019, which is 60 days from the date of
2 service of the Complaint upon King's Casino. Any amendments to the Initial Pretrial
3 Scheduling Order require a showing of good cause under Rule 16(b). [Doc. 3, pp. 2, 6.]

4 Second, that on November 9, 2019, Plaintiffs requested that Kuraitis waive service
5 of the Complaint under Federal Rule of Civil Procedure 4(d). Kuraitis agreed to do so, and
6 Plaintiffs filed his waiver of service on November 19, 2019. [Doc. 10.]

7 Third, that Plaintiffs have not yet served defendant Michael L. Postle.

8 Fourth, that King's Casino and Kuraitis have informed Plaintiffs that they intend to
9 file Rule 12 Motions challenging, *inter alia*, the Court's lack of subject-matter jurisdiction
10 over the state law claims against them and the Complaint's failure to state any claim upon
11 which relief can be granted. Per the parties' Stipulations and this Court's Order, the
12 deadline for both Defendants to file their Rule 12 Motions is presently February 5, 2020.
13 [Docs. 11-13.]

14 Fifth, that the parties jointly request to postpone the Rule 26(f) conference and all
15 related discovery deadlines until after all Defendants have been served, after this Court has
16 ruled on all Rule 12 Motions, and after all Defendants have filed an Answer. Good cause
17 exists because the type, extent, and nature of discovery will undoubtedly be shaped by the
18 outcome of the Rule 12 Motions. Without knowing which parties and factual issues will
19 remain in the case, it will be very difficult for the parties to meaningfully discuss the topics
20 required by Rule 26(f) or formulate their Joint Discovery Plan, much less make Initial
21 Disclosures and engage in written discovery or depositions.

22 Sixth, that Rule 16(b)'s good cause standard primarily considers the diligence of the
23 party seeking the amendment. *Johnson v. Mammoth Recreations*, 975 F.2d 604, 609 (9th
24 Cir. 1992). Diligence is not an issue here. The parties seek to postpone the Rule 26(f)

1 conference not because they cannot meet the Court's deadline, but because they believe it
2 would be inefficient and ineffective to commence discovery prior to resolving which parties
3 and causes of action will remain in this case after the pleading stage. Thus, the parties'
4 request to amend the Initial Pretrial Scheduling Order is supported by good cause.

5 By entering into this Stipulation, Defendants do not enter a general appearance and
6 do not waive (and expressly reserve) all rights, legal challenges, and arguments, including
7 any jurisdictional or other defenses that may be raised in a motion under Federal Rule of
8 Civil Procedure 12(b).

9 Accordingly, the parties jointly request that this Court amend the Initial Pretrial
10 Scheduling Order to postpone the Rule 26(f) discovery conference and all related discovery
11 dates and deadlines (including the filing of the joint discovery plan, the making of initial
12 disclosures and the commencement of discovery) until 30 days after the Court has ruled on
13 the Rule 12 Motions and the last Defendant has filed an Answer.

14 SO STIPULATED.

15 Dated: December 9, 2019

DUANE MORRIS LLP

16 By: s/Michael L. Lipman
17 Michael L. Lipman
18 Duane Morris LLP
Attorneys for Defendant
King's Casino, LLC

19 Dated: December 9, 2019

THE VERSTANDIG LAW FIRM, LLC

20
21 By: s/ Maurice B. VerStandig (as authorized on
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22 Maurice B. VerStandig (pro hac vice)
23 The VerStandig Law Firm, LLC
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24 Dated: December 11, 2019

s/ Justin Kuraitis
25 Justin Kuraitis (in propria persona)
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ORDER

The Court, having considered the parties' Stipulation to Amend the Initial Pretrial Scheduling Order, and finding good cause therefore, hereby orders: The Initial Pretrial Scheduling Order (p. 2, lines 15-17) will be amended such that the parties shall meet and confer regarding their discovery plan as required by Federal Rule of Civil Procedure 26(f) within 30 days of the date on which the last Defendant files an Answer.

IT IS SO ORDERED.

Dated: January 6, 2020


MORRISON C. ENGLAND, JR.
UNITED STATES DISTRICT JUDGE