

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 15-298 DDP(JCx)	Date	May 18, 2017
Title	Haley Videckis, et al. v. Pepperdine University		

Present: The Honorable	Jacqueline Chooljian, United States Magistrate Judge		
Hana Rashad	none	none	none
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
none		none	

Proceedings: (In Chambers)

**ORDER DIRECTING PARTIES TO CONFER REGARDING
PLAINTIFFS’ MOTION TO COMPEL DEPOSITION OF ANDREW
BENTON AND TO FILE JOINT STATUS REPORT/STIPULATION**

On April 14, 2017, this Court denied Plaintiffs’ Motion to Compel Deposition of Andrew Benton (“Plaintiffs’ Motion”) (Docket No. 62), which had been noticed for hearing before this Court on May 2, 2017, because it was untimely, in that it was not filed in accordance with the schedule then set by the assigned District Judge. (Docket No. 65). On April 28, 2017, plaintiffs filed before the District Judge an Ex Parte Application for an Order to Extend the Date by Which Motion to Compel Deposition of Andrew Benton May Be Heard (“Ex Parte Application”) which defendants opposed. (Docket Nos. 97, 98).

On May 1, 2017, the parties filed a stipulation for an order temporarily staying all pending pretrial deadlines due to a sudden personal tragedy involving a sibling of lead plaintiff’s counsel (“Stipulation”). On May 2, 2017, the District Judge approved the Stipulation, temporarily stayed all pre-trial dates through June 2, 2017, and directed the parties to file new proposed dates on or before that deadline (“Stay Order”).

On May 4, 2017, the District Judge granted the Ex Parte Application, and ordered: “The date by which a motion to compel the deposition of Mr. Andrew Benton may be heard is hereby extended, such that Magistrate Judge Chooljian has the ability to hear plaintiffs’ motion to compel.” (Docket No. 101). Such order does not set a specific hearing date or deadline by which Plaintiffs’ Motion must be heard.

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On May 5, 2017, the Clerk, at the Court's direction and in response to an inquiry from plaintiffs' counsel regarding the matter, advised plaintiffs' counsel that in light of the Stay Order, the incomplete briefing on Plaintiffs' Motion, and the substance of the briefs filed in connection with the pending motion in limine regarding Andrew Benton's testimony that were filed after the denial of Plaintiffs' Motion: (1) plaintiffs' counsel should confer with opposing counsel regarding (a) defendants' current position on Plaintiffs' Motion given defendants' apparent indication in connection with the motion in limine that they may call the same witness at trial; and (b) the appropriate way to proceed regarding refile/reviving the previously filed Plaintiffs' Motion, the filing of supplemental briefs, and the scheduling of a hearing (particularly given lead plaintiffs' counsel's personal situation and the Stay Order); and (2) it was the Court's preference that counsel thereafter submit a stipulation regarding the foregoing matters for the Court's consideration. To date, the parties have not submitted any such stipulation. The Court has, however, received defendants' Supplemental Memorandum and supporting documents opposing Plaintiffs' Motion which were filed on May 16, 2017 (collectively "Supplemental Memo"). (Docket No. 104). Confusingly, the Supplemental Memo reflects a hearing date of May 23, 2017 at 9:30 a.m. It is not clear to the Court whether defendants unilaterally chose such a hearing date or whether the parties have conferred and agreed to such a hearing date. However, it is clear that this is a hearing date which has not been cleared with the Clerk, that no such hearing is scheduled, and that no hearing on Plaintiffs' Motion is currently on calendar.

In light of the foregoing, and so as to comport with and be consistent with the Stay Order, the parties are directed to confer and to file a joint status report or stipulation regarding the foregoing matters relating to Plaintiffs' Motion on or before June 2, 2017.

IT IS SO ORDERED.