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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

U.S. EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION,

Plaintiff,

and

ADRIAN SCOTT DUANE,

Plaintiff Intervenor,

vs.

IXL Learning, Inc.,

Defendant.

Case No.: 3:17-cv-02979-VC

**STIPULATION FOR ADMINISTRATIVE  
RELIEF RELATING TO PRE-TRIAL  
SUBMISSION DEADLINES  
AND ORDER**

1 Plaintiff U.S. Equal Employment Opportunity Commission (EEOC), Plaintiff-Intervenor  
2 Adrian Scott Duane, and Defendant IXL Learning, Inc. (IXL) filed and opposed dispositive motions  
3 for summary judgment. This Court will hear argument on these motions on September 20, 2018.  
4 (ECF No. 54) The case is set for jury trial on October 22, 2018. (ECF No. 27) Pursuant to Rule 7-  
5 11 of the Local Rules of the Northern District of California, the parties jointly request an Order from  
6 this Court extending the deadlines for exchanging and opposing motions *in limine* as well as the date  
7 for pre-trial submissions.

8 This Court's Standing Order for Civil Trials requires the parties to exchange opening briefs  
9 in support of motions *in limine* 21 days before the Pretrial Conference. In this case, that would  
10 require the parties to exchange their opening briefs before the oral argument for Summary Judgment.  
11 The parties believe it would be more efficient to exchange motions *in limine* after hearing this  
12 Court's tentative thinking at the summary judgment argument. [See Standing Order for Civil Cases  
13 at ¶39.] There are multiple issues before the Court that will influence the motions *in limine* each  
14 party will bring. To that end, in addition to seeking modifications to the pre-trial submission  
15 schedule outlined below, in accordance with this Court's Standing Order ¶ 37, each party also seeks  
16 to alert the Court of the need for a prompt ruling on the following issues:

17 Plaintiffs' Requests:<sup>1</sup>

- 18 1) Plaintiffs' motion for summary judgment on Defendant's mitigation defense.
- 19 2) Plaintiffs' motion for summary judgment on Defendant's abandoned defenses.
- 20 3) Plaintiffs' motion to strike the NLRB decision as inadmissible.

21 Defendant's Requests:

- 22 1) Defendant's motion for summary judgment on Plaintiff-Intervenor Adrian Scott Duane's  
23 state law claims.
- 24 2) Defendant's motion for summary judgment on Plaintiffs' federal claims.
- 25 3) Defendant's motion for summary judgment on Plaintiffs expanding the scope of  
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27 <sup>1</sup> Plaintiffs disagree with Defendant's characterization in No.3 below that it has moved for summary  
28 judgment on expanding the scope of the opposition activity beyond the Complaint allegations. This  
was an argument in their reply brief, not a topic upon which it moved for summary judgment.

1 “opposition activity” beyond the Glassdoor Post as alleged in their Complaints.

2 Defendant reserves the right to request additional tentative rulings on these and other topics  
3 during oral arguments.

4 After meeting and conferring about conflicting schedules, the parties seek relief from the  
5 current schedule for motions *in limine* and one pre-trial submission deadline. The parties propose  
6 the following schedule for pre-trial submissions, with any proposed modifications indicated. This is  
7 the first request for a modification of the pre-trial submissions and the changes do not affect the  
8 pretrial conference date or the trial date.

9 <b>EVENT</b>	<b>Original Date</b>	<b>Proposed Modified Date if applicable</b>
10 SJ Hearing	9/20/2018	N/A
11 Meet and confer regarding pretrial conference,	9/12/2018	N/A
12 File joint pretrial conference statement	9/26/2018	N/A
13 Serve motions in limine	9/12/2018	9/26/2018
14 Serve oppositions to motions in limine	9/19/2018	10/3/2018
15 File motions in limine and oppositions to motions in limine	9/26/2018	10/4/2018
16 File proposed jury instructions, voir dire questions, verdict forms, statement of the case, exhibit list	10/3/2018	10/8/2018
Final Pretrial Conference	10/10/2018	N/A
Jury Selection	10/17/2018	N/A
Jury Trial	10/22/2018	N/A

17  
18 Respectfully submitted,

19 Dated: September 4, 2018

EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

20  
21 By: /s/ Ami Sanghvi  
AMI SANGHVI, Senior Trial Attorney  
Attorney for Plaintiff EEOC

22  
23 Dated: September 4, 2018

THE MAREK LAW FIRM

24 By: /s/ David Marek  
DAVID MAREK  
Attorney for Plaintiff-Intervenor Duane

25  
26 Dated: September 4, 2018

YOUNG BASILE HANDLON & MACFARLANE, PC

27 By: /s/ Natasha R. Menezes  
NATASHA R. MENEZES  
Attorney for Defendant

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**LOCAL RULE 5-1(i)(3) ATTESTATION**

I, Ami Sanghvi, am the ECF User whose ID and password are being used to file the Motion for Partial Summary Judgment. In compliance with Local Rule 5-1(i)(3), I hereby attest that David Marek and Natasha Menezes concurred in this filing

Dated: September 4, 2018

/s/ Ami Sanghvi  
AMI SANGHVI, Senior Trial Attorney

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: September 6, 2018

  
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HON. VINCE P. CHHABRIA  
U.S. District Court Judge