

1 ROBERTA L. STEELE, SBN 188198 (CA)
2 MARCIA L. MITCHELL, SBN 18122 (WA)
3 AMI SANGHVI, SBN 4407672 (NY)
4 U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
5 San Francisco District Office
6 450 Golden Gate Avenue, 5th Fl. W, POB 36025
7 San Francisco, CA 94102
8 Telephone No. (415) 522-3071
9 ami.sanghvi@eeoc.gov

6 DAMIEN A. LEE, SBN 430135 (WASH. D.C.)
7 Seattle Field Office
8 909 First Ave., Ste. 400
9 Seattle, WA 98104
10 Telephone No. (206) 220-6915
11 Fax No. (206) 220-6911
12 damien.lee@eeoc.gov

13 *Attorneys for Plaintiff EEOC*

11 UNITED STATES DISTRICT COURT
12
13 NORTHERN DISTRICT OF CALIFORNIA

14 U.S. EQUAL EMPLOYMENT OPPORTUNITY
15 COMMISSION,

16 Plaintiff,

17 and

18 ADRIAN SCOTT DUANE,

19 Plaintiff-Intervenor,

20 vs.

21 IXL Learning, Inc.,

22 Defendant.
23

Case No.: 17-cv-02979-VC

**UNOPPOSED MOTION TO
CONTINUE HEARING ON
DEFENDANT’S MOTION TO RETAX
COSTS**

**Currently Scheduled Hearing:
April 18, 2019 at 10:00 am**

**Requested Hearing Date:
May 2, 2019 at 10:00 am**

24 Plaintiff Equal Employment Opportunity Commission (EEOC) moves this Court, pursuant to
25 Local Civil Rule 6-3, for an Order to continue the hearing on Defendant’s Motion to Retax Costs
26 currently scheduled for April 18, 2019 at 10:00 am [ECF No. 175] to May 2, 2019 at 10:00 am.

27 Good cause exists for the continuance of the hearing. On April 18, 2019, EEOC’s lead
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counsel, Ami Sanghvi, will be on vacation and is not scheduled to return until April 21, 2019. Ms. Sanghvi made her flight arrangements on February 12, 2019, before Defendant filed its motion to review costs. The EEOC was not consulted about a mutually convenient hearing date before the motion was noticed. Moreover, the requested change will not have any effect on the schedule for the case.

The EEOC conferred with Plaintiff-Intervenor’s counsel and defense counsel regarding the proposed change. Neither Plaintiff-Intervenor nor Defendant oppose the motion for a continuance and are available for the proposed new date.

Plaintiff respectfully requests this Court grant the instant request and continue the hearing to May 2, 2019 at 10:00 am.

Respectfully submitted,

Dated: April 9, 2019

/s/ Ami Sanghvi
AMI SANGHVI, Senior Trial Attorney
Equal Employment Opportunity Commission
San Francisco District Office
450 Golden Gate Avenue, 5th Fl. W., POB 36025
San Francisco, CA 94102

Attorney for Plaintiff

1 ROBERTA L. STEELE, SBN 188198 (CA)
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14 U.S. EQUAL EMPLOYMENT OPPORTUNITY
15 COMMISSION,

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17 and

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23

Case No.: 17-cv-02979-VC

**DECLARATION OF AMI SANGHVI
IN SUPPORT OF UNOPPOSED
MOTION TO CONTINUE HEARING
ON DEFENDANT’S MOTION TO
RETAX COSTS**

**Currently Scheduled Hearing:
April 18, 2019 at 10:00 am**

**Requested Hearing Date:
May 2, 2019 at 10:00 am**

24 I, Ami Sanghvi, declare under penalty of perjury, as follows:

- 25 1. I am the lead attorney for the plaintiff in this action, the U.S. Equal Employment Opportunity
26 Commission (EEOC).
27 2. On February 12, 2019, I made flight arrangements to leave San Francisco on April 12, 2019 and
28 return on April 21, 2019 for the purposes of a family vacation.

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3. The EEOC was not consulted about a mutually convenient hearing date before the motion was noticed.
4. On April 8, 2019, I emailed Plaintiff-Intervenor’s counsel and defense counsel to determine whether there was any opposition to a motion to continue the hearing date. I also proposed three additional dates for the new hearing date.
5. On April 8, 2019, both Plaintiff-Intervenor’s counsel and opposing counsel indicated that they had no objection to the motion and that counsel is available on May 2, 2019.
6. The EEOC has previously sought and received one prior continuance of a Case Management Conference in August 2017. (ECF Nos. 17-18)
7. In addition, due to the lapse of federal appropriations, the EEOC also sought a stay of all pending deadlines. (ECF Nos. 165; 169)
8. Modifying the hearing date will have no effect on the schedule for the case.

Dated: April 9, 2019
San Francisco, CA

/s/ Ami Sanghvi
AMI SANGHVI
Senior Trial Attorney, EEOC

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9 Seattle, WA 98104
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12 damiem.lee@eoc.gov

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Case No.: 17-cv-02979-VC

**[PROPOSED] ORDER RE: UNOPPOSED
MOTION TO CONTINUE HEARING ON
DEFENDANT’S MOTION TO RETAX
COSTS**

**Currently Scheduled Hearing:
April 18, 2019 at 10:00 am**

**Requested Hearing Date:
May 2, 2019 at 10:00 am**

21 **[PROPOSED] ORDER**

22
23 Having read and considered Plaintiff EEOC’s motion to continue the hearing currently set for
24 April 18, 2019 at 10:00 am, the Court hereby grants Plaintiff’s request. The hearing on Defendant’s
25 Motion to Retax Costs shall be continued to May 2, 2019 at 10:00 am.

26 IT IS SO ORDERED.

27 Dated: _____

28 _____
U.S. District Judge Vince Chhabria