

1 David J Adamski, Esq. (020334)
 dadamski@bethunelaw.com
 2 BETHUNE & ASSOCIATES
 14435 North 7th Street, Suite 201
 3 Phoenix, AZ 85022
 (800) 783-5402
 4 Attorneys for Plaintiff

5
 6 **UNITED STATES DISTRICT COURT**
 7 **FOR THE DISTRICT OF ARIZONA**

8 CON-WAY FREIGHT, INC., a Delaware
 Corporation,

9 Plaintiff,

10 vs.

11 AMBATH, LLC, a Delaware Limited
 Liability Company dba AMBATH
 REBATH, DOE CORPORATION 1-10,
 12 JOHN DOES 1-10;

Defendants.

13 AMBATH, LLC, a Delaware Limited
 Liability Company dba AMBATH
 14 REBATH,

Third-Party Plaintiff,

15 v.

16 GLOBALTRANZ ENTERPRISES, LLC,
 an Arizona limited liability company;
 17 DOES 1 through 10,

18 Third-Party Defendants.

19 GLOBALTRANZ ENTERPRISES, LLC,
 an Arizona limited liability company,

20 Third-Party Counterclaimant,

21 v.

22 AMBATH, LLC, a Delaware Limited
 Liability Company dba AMBATH
 REBATH,

23 Third-Party Counterdefendant.

NO. CV 09-1669-PHX-NVW

**STIPULATION TO CONTINUE THE
 SCHEDULING CONFERENCE SET
 FOR NOVEMBER 13, 2009 at 9:00
 a.m. AND SCHEDULING ORDER
 DEADLINES REFERENCING THAT
 DATE**

(First Request)

1 The parties to this action having made formal appearances, CON-WAY
2 TRANSPORTATION SERVICES, INC., AMBATH, LLC and GLOBALTRANZ
3 ENTERPRISES, LLC, by and through their undersigned counsel, hereby stipulate to
4 continue the scheduling conference currently set for November 13, 2009 at 9:00 a.m. and
5 the scheduling order deadlines referencing that date.

6 No Doe parties have been served or made appearances in this matter thus far.

7 Subsequent to the Scheduling Order, filed by the Court on September 9, 2009,
8 there was file a Third Party Complaint, and Answer to that Third Party Complaint and a
9 Counterclaim against the Third Party Plaintiff. The Pleading stage of this litigation
10 remains active as the time for responding to the Third Party Counterclaim remains open
11 and no such response has to date been filed.

12 Given the active stage of the initial pleadings, the matter is not at a point where
13 initial disclosures, discovery requests or even formal discovery plans would be
14 appropriate. As such, the parties hereto jointly request that the scheduling conference set
15 for November 13, 2009 at 9:00 a.m. be continued for approximately sixty (60) days.
16 Additionally, the parties hereto request that the deadlines detailed in the Court's
17 September 9, 2009 Scheduling Order that reference that scheduling conference date be
18 continued as well.

19 This Stipulation to Continue is made in the interests of justice and not merely for
20 the purpose of delay.

21 \\\

22 \\\

23 \\\

1 RESPECTFULLY SUBMITTED this 29th day of October, 2009.

2 BETHUNE & ASSOCIATES

3 By /s/ David J Adamski
4 David J Adamski (020334)
5 Attorneys for Con-Way Freight, Inc.

6 BAUMANN, DOYLE, PAYTAS & BERNSTEIN, P.A.

7 By /s/ Gary T. Doyle, with permission
8 Gary T. Doyle (015033)
9 Attorneys for Defendant Ambath, LLC

10 STINSON MORRISON HECKER LLP

11 By /s/ James E. Holland, Jr., with permission
12 James E. Holland, Jr. (021826)
13 Attorneys for GlobalTranz Enterprises, LLC

14
15
16
17 CERTIFICATE OF SERVICE

18 I hereby certify that on October 29, 2009 I electronically transmitted the attached
19 document to the Clerk's Office using the CM/ECF System for filing and transmittal of a
20 Notice of Electronic Filing to the following CM/ECF registrants:

Ambath, LLC
GlobalTranz Enterprises, LLC

21 I hereby certify that on _____, I served the attached document by US MAIL on the
22 following, who are not registered participants of the CM/ECF System in this action:

N/A

23 /s/ David J Adamski