

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JUSTIN THOMAS ALLEN (SB# 238195) justinthomasallenesquire@yahoo.com
LAW OFFICES OF JUSTIN THOMAS ALLEN
601 E. Main Street
Turlock, CA 95380
Telephone: (209) 656-6705
Facsimile: (209) 656-6757
Attorneys for Plaintiff
BLAKE SMITH

J. AL LATHAM, JR. (SB# 071605) allatham@paulhastings.com
PAUL, HASTINGS, JANOFSKY & WALKER LLP
515 South Flower Street
Twenty-Fifth Floor
Los Angeles, CA 90071-2228
Telephone: (213) 683-6000
Facsimile: (213) 627-0705
Attorneys for Defendants
PACIFIC BELL TELEPHONE COMPANY, INC.,
SHANE SPENCER and ALAN BROWN

[Additional Attorneys on next page]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

BLAKE SMITH,
Plaintiff,

vs.

PACIFIC BELL TELEPHONE COMPANY,
INC., AT&T COMMUNICATIONS OF
CALIFORNIA, INC., SBC TELECOM, INC.,
COMMUNICATIONS WORKERS OF
AMERICA LOCAL 9333 UNION, AFL-CIO,
COMMUNICATIONS WORKERS OF
AMERICA DISTRICT 9 UNION AFL-CIO,
SHANE SPENCER, an individual, ALAN
BROWN, an individual and DOES 1-100,

Defendants.

CASE NO. 1:06-CV-01756-OWW-LJO

JOINT STIPULATION TO
CONTINUE TRIAL, PRETRIAL
CONFERENCE, AND RELATED
FORTHCOMING DEADLINES DUE
TO PENDING SUMMARY
JUDGMENT MOTIONS; ORDER

Judge: Honorable Oliver W. Wanger
Court: Courtroom 3

Pretrial Conference: January 26, 2009
Trial Date: March 10, 2009

1 DAVID A. ROSENFELD (SB# 058163) (courtnotices@unioncounsel.net)
2 CAREN P. SENCER (SB# 233488)
3 WEINBERG, ROGER & ROSENFELD
4 A Professional Corporation
5 1001 Marina Village Parkway, Suite 200
6 Alameda, CA 94501-1091
7 Telephone: (510) 337-1001
8 Facsimile: (510) 337-1023

9 STEVEN J. JOFFE, (SB# 108419)
10 CRAIG C. HUNTER (SB# 71299) (craig.hunter@wilsonelser.com)
11 WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP
12 555 South Flower Street, Suite 2900
13 Los Angeles, CA 90071
14 Telephone: (213) 443-5100
15 Facsimile: (213) 443-5101

16 Attorneys for Defendant
17 COMMUNICATIONS WORKERS OF AMERICA
18 DISTRICT 9 UNION AFL-CIO

19 THOMAS MICHAEL SHARPE (SB# 69697) (mnbennettlaw@sbcglobal.net)
20 BENNETT & SHARPE, INC.
21 2444 Main Street, Suite 110
22 Fresno, CA 93721
23 Telephone: (559) 0120
24 Facsimile: ((559) 485-5823)

25 Attorneys for Defendant
26 COMMUNICATIONS WORKERS OF AMERICA
27 LOCAL 9333 UNION AFL-CIO

28

1 All parties join in respectfully requesting that the Court continue the
2 March 10, 2009, trial; the January 26, 2009, final pretrial conference; and all other
3 forthcoming pretrial deadlines to the Court's next available dates in 2009, subject to
4 the Court's ruling on Defendants' pending summary judgment motions.

5
6 On November 6, 2008, this Court entered an order, pursuant to an all-
7 party stipulation, continuing the trial and pretrial dates, pending the Court's ruling
8 on Defendants' summary judgment motions. As the summary judgment motions
9 remain under submission, the parties now respectfully seek a continuance of the
10 dates set in the November 6 order.

11
12 The Court heard Defendants' motions for summary judgment on
13 September 29, 2008. Following the hearing, Plaintiff filed a supplemental brief,
14 and Defendants filed responses thereto. The matter stands submitted.

15
16 The parties' counsel would like to avoid imposing on their respective
17 clients the costs of trial preparation, including final preparation of the joint pretrial
18 statement and appearance at the final pretrial conference, while the summary
19 judgment motions are pending. This stipulated request addresses only the trial, final
20 pretrial conference, and other forthcoming pretrial deadlines; it does not affect any
21 previous deadlines.

22
23 This stipulated request is not presented for purposes of delay.
24 Defendants' summary judgment motions were filed on December 28, 2007, well in
25 advance of the trial date. The initially noticed hearing date of January 28, 2008, was
26 postponed several times --- first in order to afford Plaintiff additional time for
27 discovery, and then on the Court's own motion due to the press of the Court's
28

1 business. There has been only one previous request to vacate or extend the trial
2 date.

3
4 IT IS SO STIPULATED.

5 DATED: January 13, 2009 PAUL, HASTINGS, JANOFSKY & WALKER LLP

6
7
8 By: /s/ J. Al Latham, Jr.
J. AL LATHAM, JR.

9 Attorneys for Defendants
10 PACIFIC BELL TELEPHONE COMPANY,
SHANE SPENCER AND ALAN BROWN

11 DATED: January 13, 2009 WEINBERG, ROGER & ROSENFELD

12
13
14 By: /s/ Caren P. Sencer as authorized on 1/13/09
CAREN P. SENCER

15 Attorneys for Defendants
16 COMMUNICATIONS WORKERS OF AMERICA
DISTRICT 9 UNION AFL-CIO

17 DATED: January 13, 2009 WILSON, ELSER, MOSKOWITZ EDELMAN
18 & DICKER LLP

19
20 By: /s/ Craig C. Hunter as authorized on 1/13/09
CRAIG C. HUNTER

21 Attorneys for Defendants
22 COMMUNICATIONS WORKERS OF AMERICA
23 DISTRICT 9 UNION AFL-CIO

24 DATED: January 13, 2009 BENNETT & SHARPE

25
26 By: /s/ Thomas Michael Sharpe as authorized on 1/13/09
THOMAS MICHAEL SHARPE

27 Attorneys for Defendants
28 COMMUNICATIONS WORKERS OF AMERICA
LOCAL 9333 UNION AFL-CIO

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: January 13, 2009

LAW OFFICES OF JUSTIN THOMAS ALLEN

By: /s/ Justin Thomas Allen as authorized on 1/13/09
JUSTIN THOMAS ALLEN

Attorneys for Plaintiff
BLAKE SMITH

ORDER

Pursuant to the Stipulation of the parties, and good cause appearing therefor, the Court hereby continues the trial date currently set for March 10, 2009 to April 21, 2009; the Final Pretrial Conference is continued from January 26, 2009 to March 9, 2009; and all corresponding pretrial deadlines not yet past as of the date of the parties' Stipulation are continued in accordance with the Federal and Eastern District Court rules.

IT IS SO ORDERED:

DATED: January 22, 2009

/s/ OLIVER W. WANGER
Honorable Oliver W. Wanger
United States District Judge