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 6 BAKERSFIELD MITSUBISHI

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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **FRESNO DIVISION**

11 DENISE BEAUFORD,
 12 Plaintiff,

13 vs.

14
 15 E.W.H. GROUP INC. dba
 BAKERSFIELD MITSUBISHI, and
 16 DOES 1-50 inclusive
 17 Defendants.

18 and related cross-actions

Case No: 1:09-CV-00066-AWI
 State Case No.: S-1500-CV-263137
 Kern County Superior Court

**STIPULATION TO CONTINUE
 MOTION TO DISMISS COMPLAINT
 AND ORDER RESETTING DATES.
 (FRCP 9(b), 12(b)(1), 12(b)6)**

Date : March 2, 2009
 Time: 1:30 p.m.
 Dept: 2

Trial Date: Not yet assigned

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 20 PARTIES HEREBY stipulate and respectfully request this court to continue the
 21 hearing on Defendant's motion to dismiss from March 02, 2009 to May 11, 2009 at 1:30
 22 p.m. Parties also ask that the mandatory scheduling conference be continued to 30 days
 23 after May 11, 2009, should the one be necessary.
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1 Parties have agreed to engage in mediation and we believe the mediation should
2 be completed by mid-April. Should the matter is not settled, then Plaintiff will have to file
3 her opposition to the motion to dismiss as if May 11, 2009 were the original hearing date
4 and all opposing and responsive papers shall be filed in accordance with that date.

5 Inasmuch as either the mediation of motion to dismiss may dispose the matter,
6 Parties respectfully request that the court continue the current joint scheduling conference
7 to a date at least past thirty days after May 11, 2009.

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9 IT IS SO STIPULATED.

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11 Dated: February 6, 2009

11 //s// William Krieg
12 William Krieg, Esq. Attorney for Plaintiff
13 DENISE BEAUFORD

14 Dated: February 5, 2009

14 //s// H. Ty Kharazi
15 H. Ty Kharazi, Attorney for Defendant E.W.H.
16 GROUP, INC. dba BAKERSFIELD MITSUBISHI

ORDER

Pursuant to the parties' stipulation,

1. The March 2, 2009 hearing date before the undersigned is VACATED;
2. Defendants' motion to dismiss is reset before the undersigned for May 11, 2009 at 1:30 p.m.;
3. The Mandatory Scheduling Conference set for April 15, 2009 is VACATED;
4. The Mandatory Scheduling Conference is reset for June 17, 2009 at 9:30 a.m. in Bakersfield, California before Magistrate Judge Theresa A. Goldner; and
5. The parties shall submit their Joint Scheduling Conference Report to Magistrate Judge Goldner by June 10, 2009.

IT IS SO ORDERED.

Dated: February 9, 2009

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE