

1 CONNOR MOCSNY [SBN: 264937]
2 **NAGELEY, MEREDITH & MILLER, INC.**

3 8001 Folsom Boulevard, Suite 100
4 Sacramento, CA 95826

5 Telephone No: (916) 386-8282

6 Facsimile No: (916) 386-8952

7 Attorneys for Defendant TELFER OIL CO.,
8 WINDSOR FUEL CO., INC.,
9 WINDSOR FUEL CO., MICHAEL S. TELFER,
10 CONTINENTAL WESTERN TRANSPORTATION CO.,
11 WESTERN SURETY CO., and
12 CONTINENTAL CASUALTY CO.

13 TERRENCE T. EGLAND [SBN: 240911]

14 **KLEIN, DENATALE, GOLDNER,**
15 **COOPER, ROSENLIB & KIMBALL, LLP**

16 4550 California Avenue, Second Floor
17 Bakersfield, CA 93309

18 Telephone No: (661) 395-1000

19 Facsimile No: (661) 326-0418

20 Attorneys for Plaintiff MAVERICK ASPHALT, INC.

21
22 IN THE UNITED STATES DISTRICT COURT
23 FOR THE EASTERN DISTRICT OF CALIFORNIA

24 MAVERICK ASPHALT, INC.,

25 Plaintiff,

26 vs.

27 WINDSOR FUEL COMPANY, ET AL.,

28 Defendant.

Case No.: 1:10-cv-00569-AWI-SKO

**JOINT STIPULATION REQUESTING
CONTINUANCE OF HEARING ON
PLAINTIFFS MOTION TO REMAND
CASE TO STATE COURT AND
CONTINUANCE OF THE SCHEDULING
CONFERENCE**

DATE: June 4, 2010

TIME: 9:30 a.m.

COURTROOM: 8

JUDGE: Hon. Sheila K. Oberto

29 Counsel in the above-entitled matter have recently engaged in settlement
30 discussions. As a result of these discussions, the parties believe a resolution of this case

1 is a very real possibility within the next several weeks. Although the parties are moving
2 with all deliberate speed towards a final settlement, several employees of defendant
3 TELFER OIL CO. are out of town for the next week and possess information critical to the
4 settlement discussion.

5 The hearing on the remand motion is currently set for June 4, 2010, and this Court
6 has requested supplemental briefs, which are due May 28, 2010. In order to avoid using
7 the time and resources of both parties and the Court on briefing and conducting a hearing
8 that may prove to be unnecessary, the parties have agreed to stipulate to a continuance
9 of the hearing in order to allow the settlement discussions to progress. Therefore, the
10 parties respectfully request the hearing on Plaintiff's motion to remand be continued until
11 July 1, 2010, and the due date for the Supplemental Brief also be delayed until seven
12 days before the date of the continued hearing.
13

14 Further, the Scheduling Conference is currently scheduled for June 28, 2010 at
15 9:45 a.m. Given that the settlement discussions may dispense with the need for a
16 Scheduling Conference, the parties respectfully request a continuance of the Scheduling
17 Conference from June 28, 2010 until July 28, 2010 with all related deadlines also being
18 moved accordingly.
19

20
21 DATED: May 28, 2010

NAGELEY, MEREDITH & MILLER, INC.

22
23 By: /s/ Connor Mocsny
24 CONNOR MOCSNY
25 Attorney for Defendant WINDSOR FUEL
26 CO., INC.; et al.

27 /s/ Terrence T. Eglan
28 TERRENCE T. EGLAND
Attorney for Plaintiff MAVERICK
ASPHALT, INC.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 0
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

The hearing on the Motion to Remand in this matter will be continued from June 4, 2010 to **July 2, 2010 at 9:30 a.m.**, or as soon thereafter as may be heard in Courtroom 8 of the above entitled Court. The Supplemental Briefs responsive to the Court's Order of May 24, 2010, will now be submitted on or before June 24, 2010.

IT IS SO ORDERED.

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE