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14	Attorneys for Plaintiff MAVERICK ASPHALT, INC.	
16	IN THE UNITED STATES DISTRICT COURT	
17	FOR THE EASTERN DISTRICT OF CALIFORNIA	
19	MAVERICK ASPHALT, INC.,	Case No.: 1:10-cv-00569-AWI-SKO
20	Plaintiff,	JOINT STIPULATION REQUESTING
21	vs.	CONTINUANCE OF HEARING ON
22	WINDSOR FUEL COMPANY, ET AL.,	PLAINTIFFS MOTION TO REMAND
23	Defendant.	CASE TO STATE COURT AND
24		CONTINUANCE OF THE SCHEDULING
25		CONFERENCE
26		DATE: June 4, 2010
27		TIME: 9:30 a.m.
28		COURTROOM: 8
		JUDGE: Hon. Sheila K. Oberto

Counsel in the above-entitled matter have recently engaged in settlement 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.

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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.

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20 DATED: May 28, 2010

NAGELEY, MEREDITH & MILLER, INC.

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

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

ORDER

Upon reviewing and considering the papers and arguments presented, the Court hereby grants the parties' joint request to continue the hearing on Plaintiff's motion to Remand.

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.

The Scheduling Conference will be continued from June 28, 2010 until July 28, 2010 at 9:15 a.m. in Courtroom 8.

IT IS SO ORDERED.

Dated: **June 1, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE