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    GENCO I, INC.
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8   UNITED STATES DISTRICT COURT

9   EASTERN DISTRICT OF CALIFORNIA

10   FRESNO

11 ROBERT MEDRANO and ALBERT LANDA,) Case No. 10-CV-01555-LJO-SKO
)
12   Plaintiffs,   ) **STIPULATION TO CONTINUE**
) **HEARING DATE OF PLAINTIFFS'**
13   v.   ) **MOTION TO REMAND ACTION TO**
) **THE SUPERIOR COURT; AND ORDER**
14 GENCO SUPPLY CHAIN SOLUTIONS aka)
    GENCO DISTRIBUTION SYSTEM and   )
15 GENCO, INC.; RICHARD HAMLIN, and)
    DOES 1 through 100, inclusive,   ) Complaint Filed: July 9, 2010
16   )
            Defendants.   )
17   )

18   **STIPULATION**

19   The Parties to the above entitled action, GENCO I, INC. ("Defendant") and ROBERT

20 MEDRANO AND ALBERT LANDA (collectively "Plaintiffs") (collectively referred to as the

21 "Parties"), by and through their undersigned counsel, and pursuant to Local Rules 143 and 144,

22 hereby stipulate and agree as follows:

23   1.   Defendant filed its Notice of Removal [Diversity Jurisdiction] ("Notice") in this

24 Court on August 27, 2010, removing this matter from the Superior Court, State of California,

25 County of Fresno.

26   2.   Plaintiffs thereafter filed their Motion to Remand Action to the Superior Court,

27 State of California, County of Fresno and for Just Costs and Actual Expenses, Including

28 Attorney's Fees ("Motion") on September 24, 2010.

    Stipulation to Continue Hearing Date on Plaintiff's Motion to Remand Action to the Superior
                     Court; and Order; Case No. 10-CV-01555-LJO-SKO

1   3.   Plaintiffs' Motion is currently scheduled for hearing on November 17, 2010 at

2 9:30 a.m.

3   4.   Counsel for Defendant, Michael J. Burns, the only attorney to have filed an

4 appearance on behalf of Defendant, has a prior obligation in another matter on November 17,

5 2010 and is unable to attend the hearing as scheduled.

6   5.   Counsel for Defendant and counsel for both Plaintiffs have agreed to reschedule

7 the hearing on Plaintiffs' Motion for December 15, 2010 at 9:30 a.m. and hereby request that the

8 hearing on Plaintiffs' Motion be rescheduled on that date.

9   6.   Given the rescheduled date for the hearing, Defendant's Opposition or Statement

10 of Non-Opposition is due by Wednesday, December 1, 2010. Plaintiffs' Reply to any

11 Opposition is due by Wednesday, December 8, 2010.

12 DATED: November 4, 2010   SEYFARTH SHAW LLP

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14   By   /s/ Michael J. Burns
                                                  Michael J. Burns
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                                           Attorneys for Defendant
16   GENCO

17 DATED: November 10, 2010   TOMASSIAN, PIMENTEL & SHAPAZIAN

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19   By   /s/ Larry H. Shapazian
                                                  Larry H. Shapazian
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                                           Attorneys for Plaintiff
21   ROBERTO MEDRANO

22 DATED: November 3, 2010   LAW OFFICE OF DEAN B. GORGON

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24   By   /s/ Dean B. Gordon
                                                  Dean B. Gordon
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                                           Attorneys for Plaintiff
26   ALBERTO LANDA

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Stipulation to Continue Hearing Date on Plaintiff's Motion to Remand Action to the Superior
Court; and Order; Case No. 10-CV-01555-LJO-SKO

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ORDER

2   THE COURT HEREBY ORDERS AS FOLLOWS:

3   1.   The hearing on Plaintiffs' Motion, currently scheduled for Wednesday, November

4 17, 2010, at 9:30 a.m. is continued to Wednesday, December 15, 2010, at 9:30 a.m.

5   2.   Pursuant to Local Rule 230(c), Defendant's Opposition or Statement of Non-

6 Opposition shall be due not later than Wednesday, December 1, 2010.

7   3.   Pursuant to Local Rule 230(d), Plaintiffs' Reply to any Opposition provided by

8 Defendant shall be due not later than Wednesday, December 8, 2010.

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11 IT IS SO ORDERED.

12   Dated: **November 15, 2010**   **/s/ Sheila K. Oberto**
                                                         UNITED STATES MAGISTRATE JUDGE

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Stipulation to Continue Hearing Date on Plaintiff's Motion to Remand Action to the Superior
Court; and Order; Case No. 10-CV-01555-LJO-SKO