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 16 City of Vallejo

17 UNITED STATES DISTRICT COURT  
 18 EASTERN DISTRICT OF CALIFORNIA  
 19 SACRAMENTO DIVISION

20 International Brotherhood of Electrical  
 21 Workers, Local 2376,  
 22 Appellant,  
 23 v.  
 24 City of Vallejo,  
 25 Appellee.

Case No. 2:09-CV-02603-JAM  
 Bank. Ct. Case No. 08-26813 (MSM)  
 Chapter 9

**STIPULATED APPLICATION TO  
 SHORTEN TIME; ORDER  
 THEREON**

**DATE:** April 7, 2010  
**TIME:** 9:30 a.m.  
**PLACE:** Courtroom 6

1 Pursuant to Local Rule 144(e), Appellant International Brotherhood of Electrical  
2 Workers, Local 2376 (“IBEW”), and Appellee City of Vallejo (“City”) jointly apply for an order  
3 shortening time of the hearing before this Court on IBEW’s appeal from a bankruptcy court ruling  
4 (the “Appeal”). The hearing is currently scheduled for April 7, 2010. This application is  
5 supported by the Declaration of Marc A. Levinson (“Levinson Decl.”).

6 **I. RELEVANT FACTUAL AND PROCEDURAL BACKGROUND**

7 On September 16, 2009, the United States Bankruptcy Court for the Eastern  
8 District of California transferred the Appeal to this Court. On December 21, 2009, IBEW timely  
9 submitted its opening brief. The City timely filed its opposition on January 26, 2010, and IBEW  
10 timely filed its reply on February 16, 2010. On February 18, 2010, IBEW filed an Amended  
11 Notice That Appeal Is Ready For Oral Argument (“Notice”). On February 19, 2010, the Court  
12 issued a minute order setting the hearing on the Appeal for April 7, 2010, at 9:30 a.m. before this  
13 Court. *See* Levinson Decl., at ¶ 2 & Ex. A.

14 That same day, the City alerted the Court that April 7 was a date upon which the  
15 parties were unavailable to appear, as indicated in the Notice. Levinson Decl., at ¶ 3. The Court  
16 informed the City that it preferred to set a hearing date for the Appeal on its biweekly law and  
17 motion calendar, and offered to set the hearing on April 21, 2010, or May 5, 2010. *Id.* ¶ 4. Lead  
18 counsel for IBEW is available on April 21, but months ago, lead counsel for the City committed  
19 to be in Minneapolis, Minnesota on April 21, and in Dallas, Texas the following day. *Id.* ¶ 5.  
20 Appearing on April 21 would require counsel for the City to break both commitments, impacting  
21 the schedules of many other individuals. *Id.* Lead counsel for IBEW and the City are available to  
22 appear on May 5, but for the reasons articulated below, request that the Court set an earlier  
23 hearing on the Appeal. *Id.* ¶¶ 5-6.

24 Parallel to the Appeal, beginning March 31, 2010, IBEW and the City will  
25 participate in a mediation and arbitration process regarding a new collective bargaining  
26 agreement between the City and IBEW. *See* Levinson Decl., at ¶ 7. Such process resulted from  
27 the rejection of the collective bargaining agreement that is the subject of the Appeal. *Id.* The  
28 goal of the mediation/arbitration process is to either negotiate a new agreement or to have one

1 imposed by the arbitrator. *Id.* The process will commence with a mediation session on March  
2 31, 2010, followed by arbitration sessions on April 1, April 2, and May 10-19, if necessary. *Id.*  
3 IBEW and the City believe that expeditious hearing and decision of this Appeal will assist the  
4 parties in reaching an agreement on a new collective bargaining agreement between IBEW and  
5 the City, and that an early agreement will save both sides time, effort and attorneys' fees. *Id.*

6 **II. DISCUSSION**

7           Upon receiving the Court's February 19 minute order setting the April 7 hearing,  
8 the parties immediately alerted the Court that the hearing had been scheduled for a date upon  
9 which the parties had indicated that they were unavailable. Levinson Decl., at ¶ 3. Regarding a  
10 new hearing date, therefore, IBEW and the City jointly request a date before April 7 in light of  
11 the scheduled mediation and arbitration process in March, April, and May 2010. *Id.* ¶ 7. The  
12 parties believe that hearing this appeal before March 31 – ideally during the Court's March 24  
13 law and motion calendar – will assist in the informal resolution of their disputes. *Id.* Should the  
14 Court not set this hearing for its March 24 law and motion calendar, the parties request that the  
15 Court set the hearing on a different date in late March or mid-April. The parties are available on  
16 any of the following dates: March 15, 16, 17, 19, 22, 24, 25 and 26; April 12, 13, 15, 19, and 23.

17 **III. CONCLUSION**

18           IBEW and the City understand that in making this request, they are imposing on  
19 the Court and its calendar, and at the risk of stating the obvious, they would not make the request  
20 if the relief sought were not important to both parties. They thank the Court for considering the

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1 request, and ask that it grant their joint application to shorten time and set the hearing on the  
2 Appeal for March 24 or one of the alternative dates listed above.

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Dated: February 25, 2010

FARELLA BRAUN + MARTEL LLP

/s/ Kelly A. Woodruff  
Kelly A. Woodruff  
Attorneys for Appellant  
International Brotherhood of Electrical Workers,  
Local 2376

Dated: February 25, 2010

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/s/ Marc A. Levinson  
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City of Vallejo

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**ORDER**

Having considered the joint application to shorten time and for good cause shown, the Court hereby GRANTS the parties' request to shorten time on the bankruptcy appeal hearing currently set for April 7, 2010, at 9:30 a.m. in Courtroom 6. The hearing shall be set for: March 17, 2010, at 9:30 a.m. in Courtroom 6.

**IT IS SO ORDERED.**

DATED: February 26, 2010

/s/ John A. Mendez  
HONORABLE JOHN A. MENDEZ