

1 IT IS HERE BY STIPULATED AND AGREED by and between Defendant CEMEX
2 CONSTRUCTION MATERIALS PACIFIC, INC. (“Defendant”) and Plaintiffs ROBERT ROSE
3 and PAUL SIMI (“Plaintiffs”) (collectively, the “Parties”) by and through their respective attorneys
4 of record, to continue the consolidated hearing date on Plaintiff’s Motion to Remand and
5 Defendant’s Motion to Dismiss, from December 11, 2023 at 1:30 PM to January 22, 2024 at 1:30
6 PM in Department 5 of the above-entitled Court, on the basis of the following, which establishes
7 good cause for a continuance:

8 (1) Defense counsel originally scheduled October 30, 2023 for hearing on Defendant’s
9 Motion to Dismiss. In the meanwhile, Plaintiff’s counsel scheduled their hearing on Plaintiff’s
10 Motion to Remand for December 11, 2023.

11 (2) On October 16, 2023, this Court consolidated both hearing dates and re-set
12 Defendant’s Motion to Dismiss for December 11, 2023 [Dkt. 13].

13 (3) Defense counsel began trial on November 8, 2023 in another matter in Riverside
14 County Superior Court (*Armstrong v. Life Care Centers of America, Inc.*, Case No. RIC1902845),
15 with trial scheduled to last through at least December 15, 2023, and possibly into the week of
16 December 18 - 22, 2023. The parties have met and conferred regarding the conflict that has arisen
17 and agreed to continue the consolidated hearings currently set for December 11, 2023 in this matter.

18 Based on the above, the Parties stipulate that the hearings set for Plaintiff’s Motion to
19 Remand and Defendant’s Motion to Dismiss be continued from December 11, 2023 at 1:30 PM to
20 January 22, 2024 at 1:30 PM or as soon thereafter as the Court may hear it; and that the Scheduling
21 Conference set for January 29, 2024 at 1:30 PM is continued to March 25, 2024 at 1:30 PM, or as
22 soon thereafter as possible subject to the Court’s availability.

23 SO STIPULATED AND AGREED.

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1 **ORDER**

2 Based on the foregoing Stipulation, the Court finds good cause exists for a continuance of the
3 consolidated hearing on Plaintiff’s Motion to Remand and Defendant’s Motion to Dismiss, and
4 **ORDERS** as follows:

5 1. The consolidated hearing on Plaintiff’s Motion to Remand and Defendant’s Motion to
6 Dismiss and all related deadlines shall be continued from December 11, 2023 at 1:30 PM to
7 **January 22, 2024, at 1:30 PM**, or as soon thereafter as the Court may hear it.

8 2. The Scheduling Conference set for January 29, 2024 at 1:30 PM is continued to
9 **March 25, 2024 at 1:30 PM.**

10 IT IS SO ORDERED:

11 Dated: November 14, 2023



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

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