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12 Attorneys for Defendants  
 PACIFIC BELL TELEPHONE COMPANY,  
 13 NEVADA BELL TELEPHONE COMPANY and  
 AT&T SERVICES, INC.

14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17

18 JENSEN ENTERPRISES, INC.

19 Plaintiff,

20 vs.

21 OLDCASTLE, INC.; PACIFIC BELL  
 22 TELEPHONE COMPANY; AT&T  
 SERVICES, INC.; and NEVADA BELL  
 23 TELEPHONE COMPANY,

24 Defendants.  
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) Case No. C-06-0247 SI  
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 )  
 ) **STIPULATION AND [PROPOSED]**  
 ) **ORDER RE TRIAL DATE**  
 ) **CONTINUANCE**  
 )  
 ) Trial Date: November 3, 2008  
 )  
 ) The Hon. Susan Illston  
 )  
 )  
 )  
 )

1 This Stipulation is made by and between Plaintiff Jensen Enterprises, Inc. ("Jensen"), and  
2 Defendants Pacific Bell Telephone Company, Nevada Bell Telephone Company, and AT&T  
3 Services, Inc. (collectively, "AT&T"), and Oldcastle Precast, Inc. ("Oldcastle").  
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5 **RECITALS**

6 WHEREAS, trial is scheduled to commence in the above-captioned matter on November  
7 3, 2008; and

8 WHEREAS, a pretrial conference is scheduled for October 21, 2008 in this matter; and

9 WHEREAS, the parties' pretrial conference statement, as well as all submissions and  
10 filings due pursuant to the Court's pretrial scheduling order, are due on October 6, 2008; and

11 WHEREAS, the Court will hear (5) five different motions in this matter on September 22,  
12 2008, which include motions for summary judgment brought by the Defendants, a motion for  
13 partial summary judgment brought by Jensen, as well as a motion for leave to file a fifth amended  
14 complaint, and a motion for adverse inference, brought by Jensen; and

15 WHEREAS, the parties believe that the proximity of the September 22, 2008 hearing date  
16 to the trial date and the pretrial conference require that the parties commence significant trial  
17 preparations *prior* to, and without the benefit of, a ruling or rulings from the Court on the pending  
18 September 22, 2008 motions; and

19 WHEREAS, the parties believe that efficiency and economy favor continuing the trial  
20 date as well as the due date for pretrial submissions and the pretrial conference, to dates which are  
21 a reasonable amount of time after the September 22, 2008 hearing date for the pending motions.

22 WHEREFORE, the parties agree and stipulate as follows:

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**STIPULATION**

1. That the currently pending November 3, 2008 trial date be continued for a reasonable period of time, *i.e.*, to a date which the Court deems appropriate based on the circumstances of this case and the Court's trial calendar, and that the October 21, 2008 pretrial conference be continued as well, to a date consistent with the new trial date, to be determined by the Court.

DATED: August \_\_\_\_, 2008

Respectfully submitted,

AT&T Services, Inc. Legal Dept.

By: \_\_\_\_\_/s/\_\_\_\_\_

Raymond P. Bolaños  
Attorneys for Defendants Pacific Bell Telephone Company, Nevada Bell Telephone Company, and AT&T Services, Inc.

DATED: August \_\_\_\_, 2008

Respectfully submitted,

Folger, Levin & Kahn

By: \_\_\_\_\_/s/\_\_\_\_\_

Janine L. Scancarelli  
Attorneys for Defendant  
Oldcastle Precast, Inc.

DATED: August \_\_\_\_, 2008

Respectfully submitted,

MALDONADO & MARKHAM, LLP

By: \_\_\_\_\_/s/\_\_\_\_\_

William A. Markham  
Attorneys for Plaintiff  
Jensen Enterprises, Inc.

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**ORDER**

Based upon the above stipulation, good cause appearing,

IT IS HEREBY ORDERED that the pending November 3, 2008 trial date in this case be,  
and is hereby, CONTINUED to March 16, 2008;

IT IS FURTHER ORDERED that the pending October 21, 2008 pretrial conference in this  
case be, and is hereby, CONTINUED to \_\_\_\_\_;

**IT IS SO ORDERED.**



\_\_\_\_\_  
The Honorable Susan Illston,  
United States District Judge

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**PROOF OF SERVICE**

Re: Jensen Enterprises, Inc. v. AT&T, Inc and Oldcastle, Inc.  
U.S. District Court (N.D. CA) Case No. C 06 0247 SI (San Francisco)

I, Juny L. Wong, declare:

I am a resident of the State of California, over the age of eighteen years, and not a party to this action. My business address is 525 Market Street, 20<sup>th</sup> Fl., San Francisco, CA. I am familiar with my office's practice for collection and processing of mail with the U.S. Postal Service. Correspondence prepared for mailing by our office is deposited for pickup by the U.S. Postal Service that same day. On the date set forth below, I served the following document(s):

**STIPULATION AND [PROPOSED] ORDER RE TRIAL DATE CONTINUANCE**

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below, as indicated by the attached facsimile verification report.
- by placing the document(s) listed above in (a) sealed envelope(s), to the address(es) set forth below, with full prepaid postage thereon, and depositing said envelope(s) with the U.S. Postal Service, in the ordinary course of business, on the date set forth below.
- by said document(s) to be transmitted electronically to the e-mail address(es) indicated after the address(es) noted below.
- by personally delivering the document(s) listed above to the person(s) set forth below, on the date set forth below.

William Markham  
Maldonado & Markham LLP  
402 West Broadway, 24<sup>th</sup> Floor  
San Diego, CA 92101

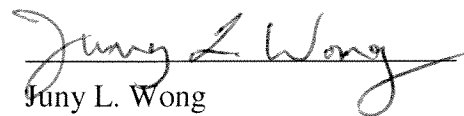
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[jscancarelli@flk.com](mailto:jscancarelli@flk.com)

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: August 28, 2008

  
Juny L. Wong