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28 WILLIAM A. SMITH and JOSE E. LEMUS

17 UNITED STATES DISTRICT COURT  
18 FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 WILLIAM A. SMITH AND JOSEPH E.  
21 LEMUS,

22 Plaintiffs,

23 vs.

24 PACIFIC GAS AND ELECTRIC  
25 COMPANY,

26 Defendant.

Case No. C07-02126 JSW

STIPULATION AND ORDER TO  
CONTINUE PRE-TRIAL

Date: March 30, 2009  
Time: 2:00 p.m.  
Judge: Hon. Jeffrey S. White

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WHEREAS, the Plaintiffs in this case, William Smith and Jose Lemus, initially filed a joint Complaint in San Francisco Superior Court;

WHEREAS, that Court bifurcated the Smith and Lemus cases inter alia for trial and other purposes;

WHEREAS, the two cases were subsequently removed to this Court;

WHEREAS, the Clerk's Notice of June 19, 2008 in this Court set April 20, 2009 as the date for the Smith Trial, and June 1, 2009 as the date for the Lemus Trial;

WHEREAS, the Court's June 19, 2008 Order Granting Plaintiffs' Motion to Supplement Complaint set a joint Pre-Trial Conference for both the Smith and the Lemus cases for March 30, 2009, three weeks prior to the date that had been set for the Smith trial, the first of the two cases that had been set for trial;

WHEREAS, Defendant's Motion For Summary Judgment was granted as to Plaintiff Smith, leaving only the Lemus Trial still on the calendar;

WHEREAS, the parties jointly desire that the Pre-Trial Conference for the Lemus case be set at a date closer in time to the June 1, 2009 commencement of the Lemus Trial;

WHEREAS, the parties agree to continue the Pre-Trial Conference, and respectfully request that the Pre-Trial Conference be continued to April 27, 2009 at 1:30 p.m.; and

WHEREAS, April 27, 2009 at 1:30 p.m. has already been reserved for the parties on Judge White's calendar;

Plaintiffs William A. Smith and Jose E. Lemus ("plaintiffs") and defendant Pacific Gas & Electric Company, Inc. ("defendant" or "PG&E") (collectively referred to as the "parties") through their respective counsel hereby stipulate as follows:

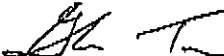
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IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:

That the Pre-Trial Conference be continued to April 27, 2009.

Dated: March 6, 2009

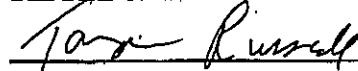
LAFAYETTE & KUMAGAI LLP



Glen Turner  
Attorneys for Defendant  
PACIFIC GAS & ELECTRIC COMPANY

Dated: March 6, 2009

SIEGEL & YEE



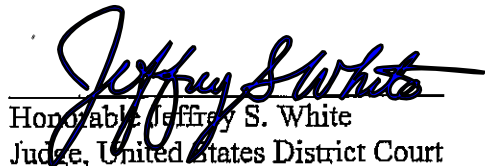
Attorneys for Plaintiffs  
WILLIAM A. SMITH and JOSE E. LEMUS

**ORDER**

After considering the proposed stipulation to continue the Pretrial Conference, and good cause having been shown, the Court grants the Parties' Stipulation to conduct the Pretrial Conference before Judge White at ~~1:30~~<sup>2:00</sup> p.m. on ~~April 27~~<sup>April 20</sup>, 2009.

IT IS SO ORDERED.

Dated: March 10, 2009

  
Honorable Jeffrey S. White  
Judge, United States District Court