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10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

13 FRANCISCA MORALEZ,)	Case No. C07-3807 EDL
)	E-FILING CASE
14 Plaintiff,)	
)	STIPULATION AND [PROPOSED]
15 v.)	ORDER TO CONTINUE DATES
)	AS MODIFIED
16 ELAINE CHAO, Secretary of the U.S.)	
Department of Labor;)	
)	
17 Defendant.)	
)	
)	

19
 20 This case is set for a jury trial on **December 8, 2008**, and pre-trial conference on
 21 **November 18, 2008**. The parties, by and through their respective attorneys, request that the pre-
 22 trial date be continued to **December 8, 2008**, and that the trial date be continued to either
 23 January 12, January 20, or January 26, 2009, whichever date is most convenient for the Court.

24 The parties request the continuance because all pre-trial filings are currently due on
 25 October 29, 2008. Because of expert unavailability and delays relating to pending settlement
 26 negotiations, expert discovery, plaintiff's independent medical examination, and certain expert
 27 reports cannot be completed until after pre-trial filings are due.

28 The parties stipulate that neither side will suffer any prejudice from a one-month
 continuance of the trial and pre-trial dates.

1 The parties are scheduled for a mandatory settlement conference with Magistrate Judge
2 Edward M. Chen on October 3, 2008.

3 Should the case not settle, plaintiff's IME will occur on October 23, 2008.

4 Dr. Rappaport's report will be served no later than November 5, 2008.

5 Dr. Rappaport's deposition will take place on November 13, 2008.

6 All expert discovery will be completed by November 14, 2008.

7 Should the pre-trial not be continued, then the defense medical examination would have
8 to occur on October 2, 2008, which would impede settlement negotiations.

9
10 Respectfully submitted,

11 JOSEPH P. RUSSONIELLO
12 United States Attorney

13 Dated: September 29, 2008

14 /s/
15 ANDREW Y.S. CHENG
16 ELLEN M. FITZGERALD
17 Assistant United States Attorney

18 Dated: September 29, 2008

19 /s/
20 MICHAEL SORGEN
21 Attorney for Plaintiff

22 **ORDER**

23 The Court, having considered the stipulation of the parties, continues the trial date to
24 February 2, 2009
25 ~~January 12, 2009~~. The pre-trial is continued to **December 8, 2008**. Dr. Rappaport's deposition
26 will take place on **November 13, 2008**. Expert discovery shall be completed by **November 14,**
27 **2008.**

28 **IT IS SO ORDERED.**

Dated: September 30, 2008

