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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 CAROL A. GOOS

Civil Case No. C 07-06130 CRB

11 Plaintiff,

PLAINTIFF CAROL A. GOOS'
 ADMINISTRATIVE MOTION TO CONTINUE
 12 THE SUMMARY JUDGMENT HEARING
 DATE AND ~~PROPOSED~~ ORDER

12 vs.

13 SHELL OIL COMPANY, doing
 business as SHELL OIL PRODUCTS
 14 US, and/or also known as SHELL OIL
 PRODUCTS, US, and Does 1-50,
 15 inclusive,

Hearing Date: May 8, 2009, 10:00 a.m.
 Dept: 8, Hon. Charles R. Breyer
 Complaint filed: October 22, 2007
 Trial Date: None set

16 Defendants
 17 _____ /

18 This is Plaintiff's Administrative Motion to Continue the Summary Judgment
 19 Hearings on the parties' cross motions for summary judgment, which is now scheduled for
 20 hearing on May 8, 2009. The hearing date on the parties' cross-motions for summary
 21 judgment was originally scheduled for April 24, 2009. The court rescheduled the hearing for
 22 May 8, 2009 on its own motion. No trial date nor any other court dates have been set.

23 Plaintiff's attorneys are **not** available to attend the hearing on May 8, 2009. Plaintiffs'
 24 attorneys are currently engaged in a trial in the case of *Malveaux v Banjoko et al*, San Mateo
 25 County Superior Court, Action No. CIV 453238. On May 4, 2009, the case was assigned out
 26 to Hon. Barbara Mallach, Dept. 22, for trial to commence on Thursday, May 7, 2009 at 1:30
 27 p.m. The *Malveaux* case is scheduled for a five (5) to seven (7) court day jury trial.
 28 Accordingly, Plaintiff's attorney will not be available to attend a hearing in this matter on

1 May 8, 2009 and is scheduled to still be in trial on Friday May 15, 2009.

2 In light of Plaintiff's counsels unavailability for the hearing on May 8, 2009 and May
3 15, 2009, and the court's unavailability on May 22, June 5 and June 12, 2009, it is requested
4 that the hearing on the parties' cross-Motions for Summary Judgment be rescheduled for
5 **June 26, 2009**. Plaintiff's counsel is unavailable on May 29, 2009 as Plaintiff's counsel has
6 two hearings scheduled in the case *McMahan v Heart 'N Soul*, Fresno County Superior Court
7 Action No. 08CECL11910, and will be out of state on vacation on June 19, 2009.
8 Accordingly, the first available Friday that is available for both counsel and the court is June
9 26, 2009.

10 A hearing date on June 26, 2009 would not require the court to change any other dates
11 as trial has not been scheduled.

12 Plaintiff's counsel contacted Defendant's counsel and Defendant's counsel agreed to
13 continue the hearing date to June 26, 2009. The parties have signed a Stipulation to continue
14 the hearing date until June 26, 2009, which is filed herewith. The parties have also agreed
15 that in the interim no further papers will be filed or served.

16 Dated: May 6, 2009

Respectfully submitted,

Law Offices of RANDAL M. BARNUM

18 By: /s/
19 RANDAL M. BARNUM, Attorneys for
20 Plaintiff, CAROL A. GOOS

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21 **ORDER**

22 Good cause appearing therefor and pursuant to the parties' stipulation, the hearing on
23 the parties cross-Motions for Summary Judgment will be continued to June 26, 2009 at 10:00
24 a.m.

25 **IT IS SO ORDERED.**

26 Dated: May 7, 2009

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