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 8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 CAROL A. GOOS

Civil Case No. C 07-06130 CRB

12 Plaintiff,

STIPULATED REQUEST FOR ORDER
 CHANGING TIMES FOR HEARING ON
 MOTION FOR SUMMARY JUDGMENT
 AND MANDATORY SETTLEMENT
 CONFERENCE AND ~~[PROPOSED]~~
 ORDER

13 vs.

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

Hearing Date: November 20, 2009, 10:00 a.m.
 Dept. 8, Hon. Charles R. Breyer

17 Defendants

Settlement Conference Date: December 3, 2010
 11:00 a.m., Hon. Joseph C. Spero

Complaint filed: October 22, 2007
 Trial Date: April 5, 2010

19 _____ /
 20 Pursuant to Local Rule 6-2, this is the parties Stipulated Request for Order Changing
 21 Time for hearing on Defendant's Motion for Partial Summary Judgment, currently scheduled
 22 for November 20, 2009, and to vacate the Mandatory Settlement Conference, currently
 23 scheduled for December 3, 2009.

24 Plaintiff's attorney is **not** available to attend the hearing on Defendant's Motion for
 25 Partial Summary Judgment on November 20, 2009. Plaintiff's attorney will be engaged in
 26 a trial in the case of Bersinger v California Student Aide Commission, Sacramento County
 27 Superior Court Action No. 07AS02816. On November 9, 2009 the case was assigned out to
 28 Hon. Robert C. Hight, Dept. 44, for trial to commence on Monday November 23, 2009. On

1 the morning of Friday November 20, 2009 Plaintiff's counsel is required to appear before
2 Judge Hight in Dept. 44 and argue eighteen (18) motions and limine, with jury selection to
3 commence thereafter. Accordingly, Plaintiff's counsel is not available to attend the hearing
4 on the Motion for Summary Judgment, which is currently scheduled to occur that same
5 morning. The first available Friday that is available for both Plaintiff's counsel and
6 Defendant's counsel is Friday December 18, 2009.

7 Based on the above-referenced trial, Plaintiff's attorney may also not be available to
8 attend the Mandatory Settlement Conference, currently scheduled for December 3, 2009 at
9 11:00 a.m. before Joseph C. Spero. In any event, the parties desire to have the Mandatory
10 Settlement Conference occur at least three weeks after the hearing on Defendant's Motion
11 for Partial Summary Judgment.

12 There have been no previous time modifications on either Defendant's Motion for
13 Partial Summary Judgment nor the Mandatory Settlement Conference.

14 Based on the conflict posed by Plaintiff's counsel, the parties hereto, through their
15 respective attorneys of record herein, hereby stipulate as follows:

16 A. To have the hearing on Defendant's Motion for Partial Summary Judgment be
17 rescheduled for Friday December 18, 2009, or as soon thereafter as this matter
18 may be heard in Department 8 of the above-entitled court.

19 B. To have the court vacate the Mandatory Settlement Conference, currently
20 scheduled for December 3, 2009 at 11:00 a.m. before Joseph C. Spero. The
21 parties will agree on a mutually agreeable date to reschedule the Mandatory
22 Settlement Conference that is at least three (3) weeks after the hearing on
23 Defendant's Motion for Partial Summary Judgment.

24 C. The parties also stipulate no additional papers pertaining to Defendant's
25 Motion for Partial Summary Judgment will be served and/or filed.

26 Pursuant to Local Rule 6-2, a Declaration of Randal M. Barnum in support of this
27 Stipulated Request is attached hereto.

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1 Dated: November 12, 2009

Law Offices of Randal M. Barnum

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By: /s/ Randal M. Barnum
Randal M. Barnum or Elizabeth J. Boca,
Attorneys for Plaintiff Carol A. Goos

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4 Dated: November 12, 2009

Lafayette & Kumagai LLP

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By: /s/ Brian H. Chun
Gary T. Lafayette/Brian H. Chun
Attorneys for Defendant
Equilon Enterprises LLC, doing business
as Shell Oil Products US

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ORDER

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10 Good cause appearing therefore and pursuant to the parties' stipulation, the hearing
11 on Defendant's Motion for Summary Judgment will be continued to December 18, 2009 at
12 10:00 a.m. The Mandatory Settlement Conference, currently scheduled for December 3, 2009
13 is vacated.

14 PURSUANT TO STIPULATION IT IS SO ORDERED

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17 Date: November 16, 2009

Charles R. Breyer
United States District Judge

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CERTIFICATE OF SERVICE

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I certify that a copy of this document was served on the undersigned on November 12, 2009, on counsel of record in compliance with Federal Rule of Civil Procedure 5, Local Rule 5-6, and General Order 45, by use of the Court's ECF system.

/s/ Randal M. Barnum

RANDAL M. BARNUM

