

1 CHRISTOPHER B. DOLAN (SBN 165358)  
 2 SHAWN R. MILLER (SBN 238447)  
 3 THE DOLAN LAW FIRM  
 4 1438 Market Street  
 5 San Francisco, CA 94102  
 6 Telephone: (415) 421-2800  
 7 Facsimile: (415) 421-2830

8 SCOTT BONAGOFSKY (SBN 190255)  
 9 1 Market Street  
 10 Steuart Tower, Suite 1600  
 11 San Francisco CA 94105  
 12 Telephone: (415) 882-1555  
 13 Facsimile: (415) 882-1551

14 Attorneys for Plaintiff JAMES HALSEY

15 ROBERT E. BELSHAW, ESQ. (SBN 142028)  
 16 Of Counsel  
 17 GUTIERREZ & ASSOCIATES  
 18 244 California Street, Suite 300  
 19 San Francisco, CA 94111  
 20 Telephone: (415) 398-2385  
 21 Facsimile: (415) 398-5800

22 Attorneys for Defendant JP MORGAN CHASE BANK, N. A.

23 **UNITED STATES DISTRICT COURT**  
 24 **NORTHERN DISTRICT OF CALIFORNIA**

25 JAMES HALSEY	)	Case No. 08-CV-01335 JSW
	)	
	)	<b>JOINT STIPULATION AND</b>
26 Plaintiff,	)	<del><b>PROPOSED</b></del> <b>ORDER RE</b>
	)	<b>CONTINUANCE OF PRETRIAL FILING</b>
27 v.	)	<b>DEADLINES AND FINAL PRETRIAL</b>
	)	<b>CONFERENCE, AND TRIAL DATE</b>
28 JP MORGAN CHASE BANK, N. A., AND	)	
DOES ONE THROUGH FIFTY,	)	Final Pretrial Conf. Date: December 7, 2009
	)	Time: 2:00 p.m.
29 Defendant.	)	

- 1           1.       Plaintiff's lead trial counsel, Scott Bonagofsky, has been sworn onto a civil jury  
2                   for an asbestos trial in San Francisco Superior Court, Department 606, the  
3                   Honorable Tomar Mason presiding, beginning on November 23, 2009, at 1:30  
4                   p.m.;
- 5           2.       The asbestos trial is estimated to last until December 18, 2009, and possibly until  
6                   December 21, 2009. The courtroom is dark on December 10 and 11, 2009, and in  
7                   the afternoon of December 14, 2009.
- 8           3.       Plaintiff's counsel's jury service, the jury selection process of which began on  
9                   Monday, November 16, 2009, has interfered with the parties' ability to complete  
10                  all of the pretrial filings that were due on November 23, 2009. Plaintiff's  
11                  counsel's jury service will also make it impossible for him to attend the Final  
12                  Pretrial Conference, which is currently scheduled for December 7, 2009, at 2:00  
13                  p.m. in this Court.
- 14          4.       The parties jointly request a continuance of the Final Pretrial Conference and  
15                  associated filing deadlines until any available, suitable date and time after  
16                  December 21, 2009, when the asbestos trial is scheduled to end.
- 17          5.       The parties also request a brief continuance of the January 11, 2010 trial date to  
18                  facilitate the scheduling of the pretrial filings and Final Pretrial Conference, and  
19                  to allow the parties to participate in a follow-up mediation session in early  
20                  January 2010. The parties believe that the likelihood of settlement is greater now  
21                  that the parties have obtained this Court's rulings on the parties' motions for  
22                  summary judgment and partial summary judgment.
- 23          6.       The parties had scheduled a follow-up mediation session for December 2, 2009,  
24                  with mediator Eileen Barker, but had to cancel that date due to Plaintiff's lead  
25                  trial counsel's jury service. Ms. Barker is unavailable until after December 21,  
26                  2009, and has limited availability in December 2009 after that date. The parties  
27                  jointly request that the Court continue the January 11, 2010 trial date to early

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

February 2010 to allow them to conduct the follow-up mediation session in early January 2010.

7. Plaintiff's lead trial counsel has an eight-day JAMS arbitration scheduled for March 1, 2010, and that case is not expected to settle prior to the arbitration. There is a chance that the March 1, 2010 arbitration date will be continued for a brief period of a few weeks to accommodate Plaintiff's lead trial counsel's schedule, but that will not be known until at least December 3, 2009, when the arbitrator, Hon. Nat Agliano, is scheduled to hear a conference call regarding the request for a continuance of the arbitration date. Plaintiff's counsel respectfully requests that the trial in this case not be scheduled later than February 8, 2010.

8. It is so stipulated and agreed by the parties.

Dated: November 23, 2009

GUTIERREZ & ASSOCIATES

/s/Robert Belshaw  
Robert Belshaw  
Attorneys for Defendant

Dated: November 23, 2009

THE DOLAN LAW FIRM

/s/ Shawn R. Miller  
Shawn R. Miller  
Attorneys for Plaintiff

Dated: November 23, 2009

SCOTT BONAGOFSKY, ATTORNEY AT LAW

/s/ Scott Bonagofsky  
Scott Bonagofsky  
Attorneys for Plaintiff

**PROPOSED ORDER**

Pursuant to the parties' Stipulation, IT IS ORDERED THAT:

1. The Final Pretrial Conference is continued to February 1 \_\_\_\_, 2010 at 2:00 p.m.;
2. The parties' pretrial filings shall be due in accordance with the Court's Standing Orders, based on the above Final Pretrial Conference date.
3. [The trial date in this matter is continued to February 22 \_\_\_\_, 2010, at 8:00 a.m.]

DATED: November 30, 2009

  
\_\_\_\_\_  
JUDGE OF THE UNITED STATES DISTRICT  
COURT, NORTHERN DISTRICT OF  
CALIFORNIA