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4 PLAINTIFF

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10 BAY AREA RESTAURANT GROUP,
(incorrectly named as HMS HOST, INC.)

12 (Additional counsel of record listed on the next page.)

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 SAN FRANCISCO DIVISION

17 LINDA ROVAI-PICKETT,

18 Plaintiff,

19 vs.

20 HMS HOST, INC., HOTEL EMPLOYEES
& RESTAURANT EMPLOYEES LOCAL
21 #2, DOES 1 THRU 50,

22 Defendants.

CASE NO. C 08-01625 MMC

STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE CASE MANAGEMENT
CONFERENCE SCHEDULED FOR
SEPTEMBER 12, 2008

Case No. C-08-01625 MMC

LEGAL US W # 59888503.2

STIPULATION AND [PROPOSED] ORDER

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UNITE HERE! Local 2

19 (incorrectly sued as Hotel Employees & Restaurant Employees Local #2)

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STIPULATION AND [PROPOSED] ORDER

Pursuant to the April 20, 2005 Standing Orders For Civil Cases Assigned to the Honorable Maxine M. Chesney, Plaintiff Linda Rovai-Pickett, and Defendants Bay Area Restaurant Group (incorrectly sued as "HMS Host, Inc.") and UNITE HERE! Local 2 (incorrectly sued as "Hotel Employees & Restaurant Employees Local #2"), acting through their respective counsel of record, stipulate as follows:

1. The Parties currently are scheduled to appear before the Court on September 12, 2008 for the initial case management conference in this case.

2. Pursuant to Federal Rule of Civil Procedure 26(f), the Parties were supposed to have completed the conference of Parties by August 22, 2008. Pursuant to Rule 26(a) the Parties must exchange initial disclosures by September 5, 2008. In spite of their diligent efforts to meet these deadlines, the Parties have been, and will be, unable to meet them.

3. Counsel for defendant UNITE HERE! Local #2 who handled the day-to-day matters on this case ~~unexpectedly~~ resigned on July 18, 2008.

4. Counsel for defendant Bay Area Restaurant Group who handled the day-to-day matters on this case was required to begin emergency pregnancy leave on August 22, 2008, three weeks before her scheduled leave was to have commenced.

5. Given summer vacation schedules and the unanticipated nature of the departures of Counsel for Defendants, it has been difficult to effectively transition this case to new attorneys within the law firms of both Defendants. Each law firm, however, is working expeditiously to complete the transition as quickly as possible.

6. In addition, Plaintiff recently has returned to work and the parties have initiated good-faith settlement talks. If given additional time, the Parties anticipate that there is a strong possibility that they will be able to settle this matter before the need for an initial case management conference arises.

7. Therefore, good causes exists to postpone the case management conference scheduled for September 12, 2008 and all corresponding deadlines given that Counsel for Defendants need additional time to prepare for the Rule 26(f) conference of Parties and to prepare

1 initial disclosures; and, the Parties believe they can settle this matter before setting deadlines and
2 raising other issues with the Court is required.

3 8. With this extension, the following deadlines will apply:

- 4 a. Case management conference: November 14, 2008 at 10:30 a.m.
5 b. Conference of parties completed: October 24, 2008
6 c. Initial disclosures exchanged: November 7, 2008

7 IT IS SO STIPULATED:

8 DATED: September 4, 2008

Linda Pomi-Pickett
Plaintiff Linda Rovai-Pickett / PRO PER

10 DATED: September 4, 2008

Robert E. Sheeder *per my permission*
Robert E. Sheeder
Bracewell & Giuliani LLP
Counsel for Defendant Bay Area Restaurant Group

14 DATED: September __, 2008

Matthew D. Ross
Leonard Carder LLP
Counsel for UNITE HERE! Local 2

17 ORDER

19 PURSUANT TO STIPULATION, IT IS SO ORDERED

20 DATED: _____, 2008

HONORABLE MAXINE M. CHESNEY

28 Case No. C-08-01625 MMC

LEGAL US W# 59888303.2

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STIPULATION AND [PROPOSED] ORDER

1 initial disclosures; and, the Parties believe they can settle this matter before setting deadlines and
2 raising other issues with the Court is required.

3 8. With this extension, the following deadlines will apply:

- 4 a. Case management conference: November 14, 2008 at 10:30 a.m.
5 b. Conference of parties completed: October 24, 2008
6 c. Initial disclosures exchanged: November 7, 2008

7 IT IS SO STIPULATED:

8 DATED: September __, 2008

Plaintiff Linda Rovai-Pickett

10 DATED: September 4, 2008

Robert E. Sheeder *idea by permission*
Robert E. Sheeder
Bracewell & Giuliani LLP
Counsel for Defendant Bay Area Restaurant Group

13 DATED: September 4, 2008

Matthew D. Ross
Matthew D. Ross
Leonard Carder LLP
Counsel for UNITE HERE! Local 2

17 ORDER

18 PURSUANT TO STIPULATION, IT IS SO ORDERED

20 DATED: September 8, 2008

Maxine M. Cheney
HONORABLE MAXINE M. CHENEY