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 10 FEDEX NATIONAL LTL

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 JOHNATHAN SPINKS,
 14 Plaintiff,
 15 v.
 16 FEDEX NATIONAL LTL,
 17 Defendant.

Case No.: C-08-02404 (VRW)

**PARTIES' STIPULATION FOR
 CONTINUANCE OF SEPTEMBER 17,
 2009 TRIAL SETTING CONFERENCE
 AND ~~PROPOSED~~ ORDER THEREON**

STIPULATION OF PARTIES

Whereas there is currently a trial setting conference scheduled for September 17, 2009;

Whereas the parties have been ordered to mediate this action through the Northern District's mediation program;

Whereas the court's ADR department did not appoint Andria Knapp as the mediator in this action until August 20, 2009;

Whereas Ms. Knapp did not contact the parties until August 31, 2009;

Whereas the parties are in the process of scheduling a joint conference call with Ms. Knapp, pursuant to ADR L.R. 6-6;

Whereas the parties desire to attend mediation with Ms. Knapp prior to attending a trial setting conference as the action may resolve;

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Whereas the parties anticipate that the mediation with Ms. Knapp will be completed in the next 30 to 45 days;

The parties hereby stipulate that the September 17, 2009 trial setting conference will be continued to October 15, 2009 at 3:30 p.m., or to a date as soon thereafter as the court permits.

IT IS SO STIPULATED.

GORDON & REES LLP

Dated: September 3, 2009

By: *Alyson S. Carrera*
ALYSON S. CARRERA
Attorney for Defendant FEDEX NATIONAL LTL

Dated: September 3, 2009

By: *Dorothy D. Guillory*
DOROTHY D. GUILORY
Attorney for Plaintiff JOHNATHAN SPINKS

PROPOSED ORDER

Pursuant to the parties' stipulation, the September 17, 2009 trial setting conference in this matter is vacated. The trial setting conference will now be held on October 15, 2009 at 3:30 p.m.

IT IS SO ORDERED.

Dated: 9/11/2009

