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16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

19 KATHLEEN PAULSEN; et al, on behalf  
 themselves, and on behalf of all others  
 20 similarly situated,

21 Plaintiffs,

22 v.

24 LOCAL NO. 856 OF INTERNATIONAL  
 BROTHERHOOD OF TEAMSTERS;  
 25 INTERNATIONAL BROTHERHOOD OF  
 TEAMSTERS; JOE MARTINELLI; and  
 26 DOES 1 through 50, inclusive,

27 Defendants.

Case No. C08-3109 EDL

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING INITIAL CASE  
 MANAGEMENT CONFERENCE**

1 IT IS HEREBY STIPULATED AND AGREED UPON by the parties and their respective  
2 counsel of record that the Initial Case Management Conference (“CMC”), presently set for  
3 October 31, 2008 at 10:00 a.m. be continued for a period of approximately three to four weeks to  
4 allow the Court to issue a ruling on the pending Motions to Dismiss, and provide the parties an  
5 opportunity to prepare an Initial CMC Statement and Discovery Plan once the Court rules upon  
6 the motions. Defendants currently have hearings on their Motions to Dismiss scheduled for  
7 October 31, 2008. Until the motions are ruled on, it would be difficult for the parties to separate  
8 the issues to address before the court in a Case Management Conference. The parties have also  
9 agreed to extend the time for filing initial disclosures in accordance with the new Case  
10 Management Conference date.

11 Good cause exists to continue the Case Management Conference on the following  
12 grounds. First, the parties’ attorneys recently attended a meet and confer conference to develop a  
13 Joint Case Management Conference. However, the attorneys were unable to complete the meet  
14 and confer conference as the status of the pleadings is unclear in light of the pending Motions to  
15 Dismiss. In particular, the parties were unable to discern what pertinent factual and legal issues  
16 will be in dispute in this litigation as the outcome of the pending Rule 12 motions may alter the  
17 number of the causes of action, or the number of defendants in this case. Second, the parties were  
18 unable to develop a joint Discovery Plan as the claims may be impacted by the pending motions.  
19 As a result, the preparation of a Joint CMC Statement and Discovery Plan would be premature  
20 until the ruling on the Motions to Dismiss. Finally, the parties are not making this request for any  
21 improper purpose, including delay. Instead, the parties are making this request in order to  
22 promote judicial economy, including avoiding an unnecessary Initial CMC hearing in which the  
23 parties are unable to address the pertinent issues to develop a discovery plan and narrow the  
24 factual and legal issues for discovery and trial.

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**[PROPOSED] ORDER**

**IT IS SO ORDERED.** The Court finds that good cause exists to continue the Initial Case Management Conference. The Initial Case Management Conference is continued from October 31, 2008, to November 25, 2008, at 10:00 a.m.m. in Courtroom E, 15<sup>th</sup> Floor, San Francisco, California.

Dated: October 27, 2008

  
HON. ELIZABETH D. LAPORTE