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 14 UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 15
 16 SAN FRANCISCO DIVISION

17 PAUL BENSI, BART FLORENCE, JERRY)
 KALMAR, and LYLE SETTER, in)
 their capacities as Trustees of the)
 18 STATIONARY ENGINEERS LOCAL 39)
 PENSION TRUST FUND and STATIONARY)
 19 ENGINEERS LOCAL 39 HEALTH AND)
 WELFARE FUND)

20 Plaintiffs,

21 v.

22 SETON MEDICAL CENTER, a California)
 Corporation, doing business as SETON)
 23 MEDICAL CENTER and SETON MEDICAL)
 24 CENTER COASTSIDE; DAUGHTERS OF)
 CHARITY HEALTH SYSTEM, a California)
 Corporation)

25 Defendants.
 26

Case No. C 08-4134 (MMC)

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING INITIAL
 CASE MANAGEMENT
 CONFERENCE AND RELATED
 DEADLINES**

[L.R. 3-12(a)]

Judge: Honorable Maxine M. Chesney
 Ctrm: 7, 19th Floor

1 Plaintiffs Paul Bensi, Bart Florence, Jerry Kalmar, and Lyle Setter, in their capacity as
2 Trustees of the Plaintiff Stationary Engineers Local 39 Pension Trust Fund and Stationary
3 Engineers Local 39 Health & Welfare Fund (“Plaintiffs”), and Defendants Seton Medical Center, a
4 California Corporation doing business as Seton Medical Center and Seton Medical Center
5 Coastside, and Daughters of Charity Health System, a California Corporation (“Defendants”),
6 through their respective counsel, hereby stipulate to and request that the Court order that the Initial
7 Case Management Conference and related deadlines be continued for a period of 60 days.

8 1. Pursuant to the Court’s Order Setting Initial Case Management Conference and
9 ADR Deadlines, the Initial Case Management Conference in this action was set for December 5,
10 2008 at 10:30 a.m. Pursuant to the stipulation of the parties, on November 25, 2008, the Court
11 issued an Order continuing the Initial Case Management Conference to January 30, 2009 in order
12 to afford the parties additional time to explore a possible resolution of this action and review
13 information exchanged. The Court also continued the Initial Case Management Conference in the
14 related case of *Paul Bensi, et al. v. O’Connor Hospital, et al.* C 08-4135 MMC to the same date. A
15 Stipulation and [Proposed] Order Continuing Initial Case Management Conference and Related
16 Deadlines in *Paul Bensi, et al. v. O’Connor Hospital, et al.* has been filed concurrently with this
17 Stipulation and [Proposed] Order.

18 2. At the time the parties requested the most recent continuance of the Initial Case
19 Management Conference (to January 30, 2009), the parties anticipated that they might be able to
20 conclude their review of the information exchanged before the compliance dates for case
21 management-related activities. After Plaintiffs reviewed the additional information, Plaintiffs
22 prepared a draft audit report detailing their findings. On January 21, 2009, Plaintiffs provided
23 Defendants with a copy of Plaintiffs’ draft audit report for Defendants’ review. Defendant and
24 their counsel need time to review Plaintiffs’ audit report.

25 3. The parties agree that additional time is needed to permit the further review of the
26 newly exchanged information and exploration of a resolution of this action. Counsel for the parties
27 have discussed a possible continuance of the Initial Case Management Conference for a period of

1 30 to 45 days. The parties believe that an extension of the conference date will afford them the
2 time to review the information exchanged without the necessity of further litigation time and
3 expense.

4 4. As noted above, there has been one continuation of the Initial Case Management
5 Conference and related case management activities. The parties expect that the requested
6 extension of the date for the Initial Case Management Conference will have no adverse effect on
7 the schedule for the case. No trial date or other deadlines have yet been set. The requested
8 extension may facilitate the resolution of the parties' dispute, and will at a minimum enable the
9 parties to narrow the issues that may streamline case management.

10 Therefore, Plaintiff and Defendants, through their respective counsel, stipulate and agree as
11 follows:

12 1. The Initial Case Management Conference date of January 30, 2009 at 10:30 a.m and
13 related deadlines are vacated.

14 2. The Initial Case Management Conference date is extended to
15 _____ at 10:30 a.m.

16 3. Related deadlines for ADR and case management activities are extended
17 accordingly, as provided in the Court's Order Setting Initial Case Management Conference and
18 ADR Deadlines.

19 Dated: January 23, 2009

WEINBERG, ROGER & ROSENFELD
A Professional Corporation

21 By: Linda Baldwin Jones
22 LINDA BALDWIN JONES
23 Attorneys for Plaintiffs

24 Dated: January 23, 2009

THEODORA ORINGHER MILLER & RICHMAN PC
A Professional Corporation

26 By: Kenneth E. Johnson
27 KENNETH E. JOHNSON
28 Attorneys for Defendants

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS ORDERED.

1. The Initial Case Management Conference date of January 30, 2009 at 10:30 a.m. and related deadlines are vacated.

2. The Initial Case Management Conference date is extended to March 27, 2009 at 10:30 a.m.

3. Related deadlines for ADR and case management activities are extended accordingly, as provided in the Court's Order Setting Initial Case Management Conference and ADR Deadlines.

Dated: January 26, 2009


THE HONORABLE MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE

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