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11 Attorneys for Defendants

12  
 13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA  
 15 SAN FRANCISCO DIVISION

16 PAUL BENSI, BART FLORENCE, JERRY )  
 17 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 )  
 23 SETON MEDICAL CENTER, a California )  
 Corporation; DAUGHTERS OF CHARITY )  
 24 HEALTH SYSTEM, a California Corporation, )

25 Defendants. )  
 26 )

Case No. C 08-4134 (MMC)  
 ORDER APPROVING  
 18 ~~STIPULATION AND [PROPOSED]~~  
 ORDER TO ALLOW  
 APPEARANCE BY TELEPHONE  
 AT INITIAL CASE  
 MANAGEMENT CONFERENCE

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

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

1 Plaintiffs Paul Bensi, Bart Florence, Jerry Kalmar, and Lyle Setter were and are Trustees  
2 and together comprise the Board of Trustees of the Plaintiff Stationary Engineers Local 39 Pension  
3 Trust Fund and Stationary Engineers Local 39 Health & Welfare Fund (“Plaintiffs”), and  
4 Defendants Seton Medical Center and Daughters Of Charity Health System (“Defendants”),  
5 through their respective counsel, hereby stipulate to and request that the Court allow counsel to  
6 appear by telephone at the Initial Case Management Conference, now scheduled for August 7,  
7 2009, at 10:30 a.m.  
8

9 This Stipulation is requested on the ground that counsel for Defendants, Kenneth E.  
10 Johnson, is located in Southern California. Both parties agree that a telephonic appearance is  
11 appropriate, in the interest of avoiding the expense of travel for the Conference.

12 If the Court grants the stipulation to allow Mr. Johnson to appear by telephone, Plaintiffs'  
13 counsel, Linda Baldwin Jones, also requests permission to appear by telephone, again in the  
14 interest of avoiding the additional time and expense required for a personal appearance.

15 Dated: July 31, 2009

16 WEINBERG, ROGER & ROSENFELD  
17 A Professional Corporation

18 By: /s/ Linda Baldwin Jones  
19 LINDA BALDWIN JONES  
20 Attorneys for Plaintiffs

21 Dated: July 31, 2009

22 THEODORA ORINGHER MILLER & RICHMAN PC

23 By: /s/ Kenneth E. Johnson  
24 KENNETH E. JOHNSON  
25 Attorneys for Defendants

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that counsel for the parties shall  
~~be permitted to~~ appear by telephone at the Initial Case Management Conference, now scheduled  
for August 7, 2009, at 10:30 a.m.

Dated: August 4, 2009

  
\_\_\_\_\_  
THE HONORABLE MAXINE M. CHESNEY  
UNITED STATES DISTRICT JUDGE