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 10 MANAGEMENT, INC.

11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11	SIMON BERRIOCHOA,)	CASE NO. C08-4292 JSW
12	Plaintiff,)	STIPULATION TO CONTINUE CASE MANAGEMENT CONFERENCE; ORDER
13	vs.)	
14	ENCORE RECEIVABLE)	
15	MANAGEMENT, INC.,)	
16	Defendant.)	

17
 18 It is hereby stipulated between Plaintiff, Simon Berriochoa, through his counsel of record,
 19 Krohn & Moss Ltd., and by Defendant, Encore Receivable Management, Inc., through its counsel
 20 of record Carlson & Messer LLP, as follows:

- 21 1. On or about January 21, 2009, this case was reassigned to the Honorable Jeffrey S.
 22 White.
- 23 2. On January 22, 2009, the Court served its Order Setting Case Management
 24 Conference and Requiring Joint Case Management Conference Statement, dated January 21, 2009
 25 (“Order”). The Order set a Case Management Conference for February 6, 2009 at 1:30 p.m. before
 26 Judge White.
- 27 3. Counsel for Defendant Encore Receivable Management, Inc. is not available to
 28 appear in San Francisco on February 6, 2009. On that date, David J. Kaminski has a conflict due

1 to a previously scheduled required court appearance in a multi-party matter in San Diego Superior
2 Court at 2:00 p.m. The other attorney handling the matter for defendant Encore Receivable
3 Management, Michael P. Lavigne, also has a conflict due to a previously scheduled deposition
4 which is set for 10:00 a.m. in Santa Ana, California on that date.

5 4. Based on these conflicts, the parties respectfully request that the Court continue the
6 February 6, 2009 Case Management Conference in this matter to February 27, 2009 at 1:30 p.m.

7 5. Lead trial counsel for defendant is also not available to attend a case management
8 conference on February 13, 2009 and February 20, 2009 due to prior commitments which include
9 out-of-state travel.

10 6. This is the first request for a continuance of the Case Management Conference in
11 this case and is made solely due to the unavailability of counsel for defendant.

12 7. Encore Receivable Management, Inc. and counsel for Plaintiff are continuing to
13 work to try to resolve this matter, and settlement negotiations are ongoing.

14 8. Pursuant to agreement by the parties and based upon good cause, the parties request
15 that the Case Management Conference scheduled for February 6, 2009 at 1:30 p.m. be continued
16 until February 27, 2009 at 1:30 p.m.

17 Dated: January 29, 2009

Respectfully submitted,

18
19 By /s/ Nicholas J. Bontrager
20 Nicholas J. Bontrager
21 KROHN & MOSS, LTD.
22 Attorneys for Plaintiff,
23 SIMON BERRIOCHOA

24 DATED: January 30, 2009

Respectfully submitted,

25 By /s/ David J. Kaminski
26 David J. Kaminski
27 Michael P. Lavigne
28 CARLSON & MESSER LLP
Attorneys for Defendant,
ENCORE RECEIVABLE MANAGEMENT,
INC.

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ORDER

Pursuant to agreement by the parties and based upon good cause, the Case Management Conference scheduled for February 6, 2009 at 1:30 p.m. is continued to February 27, 2009 at 1:30 p.m.

IT IS SO ORDERED:

Dated: January 30, 2009

By: 
United States District Judge