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17 Attorneys for Plaintiff  
 BEN LOPEZ

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA

22 BEN LOPEZ,

23 Plaintiff,

24 vs.

25 UNITED PARCEL SERVICE, INC., and  
 26 DOES 1 through 25, inclusive,

27 Defendants.

No. C-08-5396 SI

**STIPULATION AND [PROPOSED] ORDER  
 TO CONTINUE MEDIATION DEADLINE**

**STIPULATION**

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2 1. On March 6, 2009, following the initial case management conference, the Court ordered  
3 the parties to complete mediation with 150 days, or August 3, 2009. On June 19, 2009, the parties  
4 appeared for the further case management conference and requested the Court continue the deadline to  
5 October 5, 2009, which the Court granted following the case management conference.

6 2. The parties have participated in several telephone conferences with the Court's ADR staff  
7 and the court-appointed mediator. During these conversations, it has been difficult to schedule the  
8 mediation given the parties' conflicting trial schedules and the pendency of 53 other individual wage-  
9 and-hour lawsuits against United Parcel Service, Inc. alleging the same causes of action Plaintiff alleges  
10 in this action. The parties believe that until further cases proceed to trial, they will be unable to mediate  
11 a compromised valuation of Plaintiff's claim. In addition, scheduling is made more difficult by the  
12 pendency of *Rhinehart v. United Parcel Service, Inc.*, No. C-09-0741 SI, and *Kline v. United Parcel*  
13 *Service, Inc.*, No. C-09-0742 SI, which are both before this Court, involve the same parties and legal  
14 claims, and have the same deadline to complete mediation.

15 3. Based on their trial schedules, the progress of discovery, and the desire to mediate this  
16 case in conjunction with its related cases, the parties agree to continue the deadline to complete  
17 mediation to December 31, 2009, and ask the Court adopt the parties' stipulation.

18 4. The parties also stipulate to continue discovery deadlines to permit further exchanges in  
19 advance of mediation and with an eye towards potential settlement as follows: Non-expert discovery  
20 cut-off to November 15, 2009; designation of experts to November 15, 2009; designation of rebuttal  
21 experts to November 30, 2009; and expert discovery cut-off to December 31, 2009. All other pre-trial  
22 dates, including those related to dispositive motions, the pre-trial conference, and the trial date are to  
23 remain unchanged.

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1 Dated: September 3, 2009.

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By: /s/ Rishi N. Sharma

Rishi N. Sharma  
Attorneys for Defendant  
UNITED PARCEL SERVICE, INC.

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7 DATED: September 3, 2009.

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By: /s/ Mark C. Peters

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Attorneys for Plaintiff  
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**[PROPOSED] ORDER**

Good causing appearing, the Court adopts the parties' stipulation as the order of the Court. The deadline to complete mediation is extended from October 5, 2009, to December 31, 2009, and the discovery deadlines are modified according to the parties' stipulation.

IT IS SO ORDERED.

Dated: September \_\_, 2009.



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Susan Illston  
United States District Judge