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FILED

JUN 14 2011

RICHARD W. WIEKING
CLERK U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

E-filing

IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 JEFFREY J. MEDIRAN

Case No.: CV-090538 TEH

13 Plaintiff,

14 vs.

16 THE INTERNATIONAL ASSOCIATION
17 OF MACHINISTS AND AEROSPACE
18 WORKERS; UNITED AIRLINES,
a Corporation

STIPULATION OF PARTIES
& ~~PROPOSED~~ ORDER SETTING NEW
DATE FOR DEFENDANT IAM'S
MOTION FOR JUDGMENT ON THE
PLEADINGS

19 Defendants
20
21

22 THE PARTIES STIPULATE as hereinafter set forth to move the hearing
23 date now set for June 20, 2011 at 10:00 a.m. to July 11, 2011 at 10:00 a.m. based upon
24 a conflict for Counsel for plaintiff MEDIRAN.
25

26 PRELIMINARY STATEMENT

27 IAM's Motion setting hearing date for June 20, 2011 was set without
28 coordination between Counsels for the parties as to the date of hearing. Counsel of
Plaintiff was and is set for trial in San Francisco Superior Court on June 20, 2011, and
will be thus unavailable. Counsel for plaintiff did not receive the moving papers when

STIPULATION OF PARTIES & PROPOSED ORDER SETTING NEW DATE
FOR DEFENDANT IAM'S MOTION FOR JUDGMENT ON THE PLEADINGS

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4 filed electronically, given that the email address for Counsel for plaintiff is disabled.
5 Mr. Green's email address has been changed to jpglaw1@gmail.com. Counsel for
6 Plaintiff requested a copy of the documentation to be mailed, and a copy was provided
7 by opposing Counsel thereafter. Counsel for Plaintiff advised opposing Counsel by letter
8 of May 18, 2011 that a conflict existed with respect to the Motion filed by IAM as to the
9 earlier scheduled trial date for Counsel for Plaintiff.

10
11 Counsel for defendant IAM agreed to accommodate a change in hearing date
12 by letter dated May 23, 2011, and the parties have agreed that the new proposed date
13 of July 11, 2011 be set for hearing upon confirmation by the Court as being an available
14 date for hearing.

15 Based upon the agreement to continue the date of hearing to July 11, 2011,
16 the responsive Memorandum in opposition to the Motion was not filed by plaintiff,
17 so as to track with the new hearing date, and was further not completed based upon the
18 passage of time in Counsel for Plaintiff's receiving the Motion which was not received
19 at the time of the e-filing. The disablement of the email account originated by the
20 vendor, rather than Counsel for Plaintiff because the address was compromised
21 by spam intruders.

22 STIPULATION

23
24 1. The parties request the Court to schedule the hearing date for July 11,
25 2011 at 10:00 a.m., or soon thereafter as the matter may be heard, and vacating the
26 June 20, 2011 date on the Court's 10:00 a.m. calendar.

27 2. The Motion is being continued as a result of a prior scheduled trial,
28 which will go to trial in San Francisco Superior Court June 20, 2011, in which
Mr. Green is Counsel for a party therein. The trial in the San Francisco Superior Court
matter has been set for some months prior to the pending Motion by defendant,

STIPULATION OF PARTIES & PROPOSED ORDER SETTING NEW DATE
FOR DEFENDANT IAM'S MOTION FOR JUDGMENT ON THE PLEADINGS

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5 per Mr. Green's advice. The case is entitled "B & S Crane & Erection Service, Inc.
6 v. American Contractors, et al.," San Francisco Superior Court case number
7 CGC-10-499761.

8 3. The Court is respectfully requested to continue the hearing date as
9 aforesaid, and to allow the Memorandum in opposition to be filed to track with the new
10 hearing date.

11 DATED: June 9, 2011

14 BUSH, GOTTLIEB, SINGER, LOPEZ,
15 KOHANSKI, ADELSTEIN & DICKENSON

JAMES PAUL GREEN

16 By: [Signature]

17 IRA L. GOTTLIEB
18 Attorney for Defendant
19 THE INTERNATIONAL ASSOCIATION
20 OF MACHINISTS AND AEROSPACE
21 WORKERS

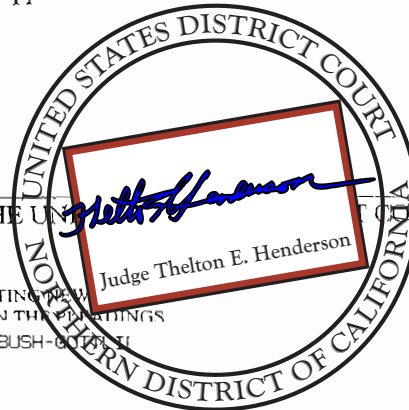
[Signature]
Attorney for Plaintiff
JEFFREY J. MEDIRAN

22 ORDER (PROPOSED)

23 The hearing date for the Motion for Judgment on the Pleadings
24 on June 20, 2011 at 10:00 a.m. is vacated, and shall be set for July 11, 2011 at 10:00 a.m.
25 in Courtroom 12. Plaintiff's Memorandum in opposition to the Motion shall be filed
26 on June 20, 2011.

27 DATED: June 15, 2011

28 JUDGE OF THE UNITED STATES DISTRICT COURT



STIPULATION OF PARTIES & PROPOSED ORDER SETTING NEW HEARING DATE
FOR DEFENDANT JAMES MOTION FOR JUDGMENT ON THE PLEADINGS