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18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

21 KEITH RHINEHART,
 22 Plaintiff,

23 vs.

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

No. C-09-0741 SI

**STIPULATION AND [PROPOSED] ORDER
 TO CONTINUE CASE MANAGEMENT
 CONFERENCE TO JUNE 19, 2009**

7/10/09

Date: June 5, 2009
 Time: 2:30 p.m.
 Courtroom: 10, 19th Floor
 Judge: Hon. Susan Illston

1 Plaintiff Keith Rhinehart and Defendant United Parcel Service, Inc. (“UPS”), appearing through
2 their respective counsel of record, stipulate and request the Court enter an order as follows:

3 **STIPULATION**

4 1. On February 19, 2009, UPS removed this Action (“*Rhinehart*”) from the Superior Court
5 of California, County of Alameda, pursuant to diversity jurisdiction under 28 U.S.C. section 1332. UPS
6 simultaneously removed *Daniel Kline v. UPS*, No. C-09-0742 (“*Kline*”). Previously, on December 1,
7 2008, UPS removed *Ben Lopez v. UPS, Inc.*, No C-08-5396 (“*Lopez*”), to this Court. The plaintiffs in
8 *Lopez*, *Kline*, and *Rhinehart* are represented by the same set of counsel; and the same set of counsel
9 defends UPS in all of these cases.

10 2. On March 6, 2009, plaintiff Ben Lopez filed an administrative motion to relate his case
11 with *Kline* and *Rhinehart* pursuant to Civil Local Rule 3-12; UPS did not oppose the motion; and on
12 March 11, 2009, the Court ordered *Lopez*, *Kline*, and *Rhinehart* related. As *Lopez* is the case with the
13 lowest number, *Kline* and *Rhinehart* were transferred to Judge Illston, to whom *Lopez* was assigned
14 following removal.

15 3. Following transfer, the Court set the initial case management conference in *Kline* and
16 *Rhinehart* for June 5, 2009, at 2:30 p.m. The parties had previously appeared on March 6, 2009, for the
17 initial case management conference in *Lopez*, at which time the Court set a further case management
18 conference for June 19, 2009, at 3:00 p.m.

19 4. Continuing the case management conferences in *Kline* and *Rhinehart* to June 19, 2009,
20 will further judicial economy and conserve the parties’ resources by combining the parties’ appearances
21 into a single session. In addition, conducting the case management conferences in these related cases on
22 the same day will allow the Court and the parties to consider the lawsuits, case management scheduling,
23 and other issues together.

24 5. Also, lead trial counsel for plaintiff and UPS are unavailable on June 5, 2009, because of
25 a previously scheduled trial set to begin in Los Angeles on the following Monday, June 8, 2009. That
26 case also has a Mandatory Settlement Conference scheduled for Thursday, June 4, 2009 in Los Angeles
27 Superior Court.
28

6. For these reasons, the parties stipulate to continue the initial case management conference in *Kline* and *Rhinehart* to coincide with the further case management conference in *Lopez* on June 19, 2009, at 3:00 p.m., or a time that is convenient; and ask the Court to enter an order to that effect.

Dated: May 23, 2009.

PAUL, HASTINGS, JANOFSKY & WALKER LLP
E. JEFFREY GRUBE
RISHI N. SHARMA

By: /s/ Rishi N. Sharma

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

Dated: May 23, 2009.

DUCKWORTH • PETERS • LEBOWITZ LLP
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By: /s/ Mark C. Peters

MARK C. PETERS
Attorneys for Plaintiff
KEITH RHINEHART

[PROPOSED] ORDER

Good cause appearing, the parties' stipulation to continue the case management conference in this Action is adopted by the Court. The parties are ordered to appear on ~~June 19~~ ^{July 10}, 2009, 3:00 p.m., for the initial case management conference. Deadlines calculated from the date of the case management conference are accordingly reset.

Dated: May __, 2009.



Susan Illston
United States District Judge