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17 Attorneys for Plaintiff
 DANIEL KLINE

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

22 DANIEL KLINE,
 23 Plaintiff,

24 vs.

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

No. C-09-0742 SI

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

STIPULATION

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2 1. On May 6, 2009, following the initial case management conference, the Court ordered the
3 parties to complete mediation with 150 days, or October 5, 2009.

4 2. The parties have participated in several telephone conferences with the Court’s ADR staff
5 and the court-appointed mediator. During these conversations, it has been difficult to schedule the
6 mediation given the parties’ conflicting trial schedules and the pendency of 53 other individual wage-
7 and-hour lawsuits against United Parcel Service, Inc. alleging the same causes of action Plaintiff alleges
8 in this action. The parties believe that until further cases proceed to trial, they will be unable to mediate
9 a compromised valuation of Plaintiff’s claim.

10 3. In addition, scheduling is made more difficult by the pendency of *Lopez v. United Parcel*
11 *Service, Inc.*, No. C-08-5396 SI, and *Rhinehart v. United Parcel Service, Inc.*, No. C-09-0741 SI, which
12 are both before this Court, involve the same parties and legal claims, and have the same deadline to
13 complete mediation.

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

17 Dated: September 3, 2009.

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21 By: /s/ Rishi N. Sharma
Rishi N. Sharma
Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

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23 DATED: September 3, 2009.

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FURUTANI & PETERS LLP

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26 By: /s/ Mark C. Peters
MARK C. PETERS
Attorneys for Plaintiff
DANIEL KLINE

[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.

IT IS SO ORDERED.

Dated: September __, 2009.



Susan Illston
United States District Judge

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