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DANIEL KLINE

18
19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21

22 DANIEL KLINE,

23 Plaintiff,

24 vs.

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

27 Defendants.
28

No. C-09-0742 SI

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

STIPULATION

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

2. On September 3, 2009, the parties stipulated, and the Court ordered, that the mediation deadline be extended until December 31, 2009, due to the parties' conflicting trial schedules and the pendency of 53 other similar individual wage-and-hour lawsuits against United Parcel Service, Inc.

3. After September 3, 2009, the parties scheduled Plaintiff's mediation for December 8, 2009. However, the parties discovered this week that Plaintiff will not be able to attend the December 8 mediation in person. In addition, the parties will not be able to reschedule the mediation before the current December 31, 2009, deadline because of other schedule conflicts.

4. The parties discussed this proposed change of scheduling with the Court's ADR staff, who have consented to the proposed extension of the mediation deadline.

5. Accordingly, the parties stipulate to continue the mediation completion deadline to January 29, 2010, and ask the Court to adopt the parties' stipulation. This extension does not affect any other trial or pre-trial dates set by the Court's scheduling order.

Dated: December 3, 2009.

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

By: 
RYAN C. HESS
Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

DATED: December 3, 2009.

DUCKWORTH • PETERS • LEBOWITZ LLP
FURUTANI & PETERS LLP

By: _____
MARK C. PETERS
Attorneys for Plaintiff
DANIEL KLINE

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21 By: _____

RYAN C. HESS
Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

22
23 DATED: December 3, 2009.

DUCKWORTH • PETERS • LEBOWITZ LLP
FURUTANI & PETERS LLP

24
25
26 By:  _____

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 December 31, 2009, to January 29, 2010.

IT IS SO ORDERED.

Dated: December __, 2009.



Susan Illston
United States District Judge

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