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35 UNITED STATES DISTRICT COURT
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37 NORTHERN DISTRICT OF CALIFORNIA
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41 OPERATING ENGINEERS PUBLIC AND)	Case No. C 09-01661 MHP
42 MISCELLANEOUS EMPLOYEES HEALTH)	
43 AND WELFARE TRUST FUND,)	STIPULATION TO CONTINUE
44)	FURTHER CASE MANAGEMENT
45 Plaintiff,)	CONFERENCE; [PROPOSED]
46)	ORDER CONTINUING FURTHER
47 vs.)	CASE MANAGEMENT
48)	CONFERENCE
49 RELIASTAR LIFE INSURANCE COMPANY)	
50 and DOES 1 through 10,)	Date: January 11, 2010
51)	Time: 3:00 p.m.
52 Defendants.)	Courtroom: 18th Floor
)	

1 Plaintiff and Defendant hereby stipulate as follows:
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3 On July 29, 2009, the Court signed an order referring the parties to court-sponsored
4 mediation, to be completed by October 27, 2009. An Initial Case Management Conference was
5 held on August 13, 2009, wherein the Court ordered that the parties complete preliminary
6 discovery in preparation for mediation by December 12, 2009. A Further Case Management
7 Conference was set for January 11, 2010.
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12 The parties were able to complete preliminary discovery by December 12, 2009. They
13 were, however, unable to schedule the mediation prior to January 11, 2010, due to the schedules of
14 the parties' representatives, counsel and the mediator. The mediation is now scheduled for January
15 19, 2010, with private mediator Susan M. Popik. Because the parties selected private mediation,
16 the parties respectfully request by stipulation that the Court remove the case from court-sponsored
17 mediation and refer it to private mediation.
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24 The parties also respectfully request by stipulation that the Further Case Management
25 Conference scheduled for January 11, 2010, be continued for at least 45 days to give the parties
26 time to attempt to settle this matter. If the matter does not settle by then, the parties will be
27 prepared to enter into a case management schedule and recommence discovery.
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33 Dated: December 22, 2009

34 WEINBERG, ROGER & ROSENFELD
35 A Professional Corporation
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38 By: s/Nicole M. Phillips
39 NICOLE M. PHILLIPS
40 Attorneys for Plaintiffs
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42 Dated: December 22, 2009

43 HALLELAND LEWIS NILAN & JOHNSON, PA
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46 By: s/Bradley J. Betlach
47 BRADLEY J. BETLACH
48 Attorneys for Defendant
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~~PROPOSED~~ ORDER

The parties' Stipulation to Continue Further Case Management Conference is hereby adopted by the Court. The case shall be removed from court-sponsored mediation and referred to private mediation. The Further Case Management Conference on January 11, 2010, has been continued until March 1, 2010 at 3:00 p.m.

The Court also orders the following:

