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6 Attorneys for Plaintiffs

7  
 8 UNITED STATES DISTRICT COURT  
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 DISTRICT COUNCIL 16 NORTHERN  
 CALIFORNIA HEALTH AND WELFARE  
 11 TRUST FUND, its JOINT BOARD OF  
 TRUSTEES, and DOUG CHRISTOPHER as  
 12 Trustee; et.al.

13 Plaintiffs,

14 v.

15 M B FLOORING, INC., a California  
 Corporation,

16 Defendant.

Case No.: C09-2241 SI

**JOINT REQUEST TO EXTEND  
 MEDIATION DEADLINE AND  
 CONTINUE CASE MANAGEMENT  
 CONFERENCE**

**Date: December 18, 2009**

**Time: 2:30 p.m.**

**Location: Ctrm. 10, 19<sup>th</sup> Floor**

**Judge: The Honorable Susan Illston**

18  
 19 The parties to the above-entitled action jointly request that the deadline for mediation be  
 20 extended and the Case Management Conference be continued for the following reasons:

- 21 1. **Mediation:** A mediator was appointed for this matter, with the initial telephone  
 22 conference occurring on November 4, 2009. During the conference call, a mediation date of  
 23 December 15, 2009 was set, to comply with the Court’s mediation deadline. For a variety of  
 24 reasons and based on exchanges that have occurred over the past 2-3 weeks between Plaintiffs’  
 25 counsel and the mediator, a new mediator has been requested. The request was made on December  
 26 3, 2009, which is two weeks before the mediation is set to occur. Plaintiffs’ counsel was hopeful  
 27  
 28

1 that the issues could be resolved, and therefore did not request a new mediator until now. Counsel  
2 for Defendant is in agreement that a new mediator is needed.

3 To allow sufficient time to have a new mediator appointed, set and participate in a pre-  
4 mediation conference, and schedule a new mediation date, the parties request that the deadline be  
5 extended to late February – early March, 2010. The parties have been exchanging documents and  
6 other information, hoping to resolve the matter. Extending the deadline will also allow  
7 negotiations to continue.

9 2. Case Management Conference: There is a Case Management Conference  
10 currently set for December 18, 2009. Based on the foregoing, there are no issues to discuss  
11 pending mediation. The parties therefore jointly request that the date be continued to 30 days after  
12 the new mediation deadline.

13  
14 Respectfully submitted,

15 Dated: December 3, 2009

SALTZMAN & JOHNSON LAW CORPORATION

16  
17 \_\_\_\_\_/S/  
Michele R. Stafford  
Attorneys for Plaintiffs

19 Dated: December 3, 2009

RANDICK O’DEA AND TOOLIATOS

21 \_\_\_\_\_/S/  
22 Brian M. O’Dea  
Attorneys for Defendant

23 ORDER

24  
25 Good cause appearing, the mediation deadline is extended to March 5, 2010.  
26 The Case Management Conference currently set for December 18, 2009 is continued to  
March 26, 2010.

27 IT IS SO ORDERED.  
28 Date:

  
\_\_\_\_\_  
THE HONORABLE SUSAN ILLSTON