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 2 A Limited Liability Partnership

3 Including Professional Corporations

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13
 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 MICHELLE RESSLER,

18 Plaintiff,

19 v.

20 ELSEVIER INC., a New York corporation,
 21 and DOES 1 through 10, inclusive,

22 Defendant.

Case No. 3:09-cv-03349

~~STIPULATION AND [PROPOSED]~~
~~ORDER TO CONTINUE OCTOBER~~
30, 2009 CASE MANAGEMENT
CONFERENCE; ORDER DENYING
STIPULATION AS MOOT
[For immediate Attention:
Requesting Continuance of October 30,
2009 CMC]

Honorable Maxine M. Chesney
 United States District Judge

23 **STIPULATION**

24 WHEREAS THE PARTIES HAVE AGREED through their counsel
 25 that the Case Management Conference currently set for October 30, 2009 at 10:30
 26 a.m. should be continued until the proposed date of December 4, 2009 (or such other
 27 date after December 4, 2009 as set by the Court, excepting December 11, 2009, the
 28 date of Plaintiff Michelle Ressler's deposition). Lead trial counsel for Defendant

1 Elsevier Inc. ("Elsevier") Jennifer Redmond is unavailable on October 30, 2009
2 because she is scheduled to be in a two-week trial in Stanislaus County Superior
3 Court starting on October 27, 2009, Stanislaus County Case No. 619908. Lead trial
4 counsel for Elsevier is unavailable on November 20, 2009 because she is scheduled
5 to take a deposition in another case in Modesto, California. Counsel for both parties
6 met and conferred and determined that December 4, 2009 is the next available
7 Friday that lead trial counsel for both parties are available.

8 IT IS HEREBY STIPULATED AND RESPECTFULLY
9 REQUESTED THAT this Court continue the October 30, 2009 Case Management
10 Conference until December 4, 2009 (or such other date as set by the Court,
11 excepting December 11, 2009). The parties shall file their Joint Rule 26 Meeting
12 Report and Case Management Conference Statement on October 23, 2009.

13
14 Respectfully submitted
15 Dated: October 21, 2009

16 KUMIN SOMMERS LLP

17
18 By 

19 STEPHEN SOMMERS

20 Attorneys for Plaintiff
MICHELLE RESSLER

21 Respectfully submitted
22 Dated: October 21, 2009

23 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

24
25 By 

26 JENNIFER G. REDMOND
MORGAN P. FORSEY

27 Attorneys for ELSEVIER INC.
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SIGNATURE ATTESTATION

As the attorney e-filing this document, I hereby attest that opposing counsel (Kumin Sommers LLP) has concurred in this filing.

Respectfully submitted:

DATED: October 21, 2006
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SHEPPARD MULLIN RICHTER & HAMPTON LLP

By 
JENNIFER G. REDMOND
MORGAN P. FORSEY

Attorneys for ELSEVIER INC.

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ORDER


~~In accordance with the above Stipulation of the parties which is incorporated herein by reference, and with good cause appearing therefor, the Court orders as follows:~~

~~IT IS HEREBY ORDERED THAT the Case Management Conference currently set for October 30, 2009 at 10:30 a.m. be continued to the date of _____ at _____.~~

In light of the parties' consent to reassignment of the above-titled action to a Magistrate Judge and the Court's order thereon, the above Stipulation is hereby DENIED as moot.

IT IS SO ORDERED.

Dated: October 23, 2009


Honorable Maxine M. Chessey
United States District Judge

**** END OF ORDER ****