

1 HANSON BRIDGETT LLP  
 JAMES A. NAPOLI - 131968  
 2 jnapoli@hansonbridgett.com  
 LORI C. FERGUSON - 230586  
 3 lferguson@hansonbridgett.com  
 425 Market Street, 26th Floor  
 4 San Francisco, CA 94105  
 Telephone: (415) 777-3200  
 5 Facsimile: (415) 541-9366

6 Attorneys for Plaintiff  
 RES-CARE, INC.

8 **UNITED STATES DISTRICT COURT**  
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 10 **OAKLAND DIVISION**

12 RES-CARE, INC.,

13 Plaintiff,

14 v.

15 ROTO-ROOTER SERVICES  
 COMPANY, ROTO-ROOTER  
 16 CORPORATION, BRADFORD-WHITE  
 CORPORATION, LEONARD VALVE  
 17 COMPANY, and DOES 1 through 20,  
 inclusive,

18 Defendants.

No. C 09 03856 EDL (LB)

**JOINT STIPULATION AND (PROPOSED)  
 ORDER TO TAKE SETTLEMENT  
 CONFERENCE OFF CALENDAR**

Date: September 7, 2010  
 Time: 10:30 a.m.  
 Judge: Hon. Laurel Beeler  
 Room: 4, 3rd Floor

Action Filed: August 21, 2009  
 Trial Date: November 29, 2010

20 Plaintiff RES-CARE, INC.; Defendants ROTO-ROOTER SERVICES COMPANY  
 21 and ROTO-ROOTER CORPORATION; and Defendant LEONARD VALVE COMPANY  
 22 (the "Parties"), by and through their respective counsel of record, hereby stipulate and  
 23 agree to take the take the Settlement Conference currently set for September 7, 2009,  
 24 off calendar.

25 Good cause exists for taking the current Settlement Conference date off calendar  
 26 because a hearing on Defendants' respective Motions for Summary Judgment is  
 27 currently scheduled for September 16, 2010, which the Parties believe will detract from  
 28

1 the effectiveness of the Settlement Conference.

2 The Parties request that the Court reschedule the Settlement Conference for a  
3 date after the Court has had an opportunity to rule on Defendants' Motions for Summary  
4 Judgment.

5 DATED: August 28, 2010

HANSON BRIDGETT LLP

6 //s//

7 JAMES A. NAPOLI  
LORI C. FERGUSON  
Attorneys for Plaintiff, RES-CARE, INC.

8 DATED: August 27, 2010

SIMONCINI & ASSOCIATES

9 //s//

10 KENNETH D. SIMONCINI  
11 KERRI A. JOHNSON  
ANGELA G. OMPOC  
12 Attorneys for Defendant, Roto-Rooter  
Services Company, Roto-Rooter  
13 Corporation

14 DATED: August 27, 2010

CREMER, SPINA, SHAUGHNESSY,  
JANSEN & SIEGERT, LLC

15 //s//

16 WILLIAM J. CREMER  
THOMAS R. PENDER  
17 Attorneys for Defendant, Leonard  
Valve Company

18 DATED: August 27, 2010

CANNATA, CHING & O'TOOLE LLP

19 //s//

20 THERESE Y. CANNATA  
21 JOSEPH C. WRIGHT  
22 Attorneys for Defendant, BRADFORD  
WHITE CORPORATION

23 **(PROPOSED) ORDER**

24 IT IS HEREBY ORDERED that the September 7, 2010 Settlement Conference be  
25 taken off calendar.

26 The Honorable  
27 U.S. District Court Judge

