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11 Attorneys for Plaintiff
 GEORGE L. KIRBYSON

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

16 GEORGE L. KIRBYSON,

17 Plaintiff,

18 v.

19 TESORO CORPORATION D.B.A TESORO
 REFINING AND MARKETING COMPANY,
 20 BRUCE SMITH, DAN PORTER, WILLIAM
 BODNAR, BILL REITZEL, DANIEL
 21 CARLSON, RICK RIOS, TAMMY MEAMBER,
 DIANE DANIELS, LARRY ANGEL, UNITED
 22 STEEL WORKERS, INTERNATIONAL UNION
 LOCAL 5, JEFF CLARK, STEVE ROJEK, AND
 23 DOES 1 THROUGH 200 INCLUSIVE,

24 Defendants.

CASE NO.: C-09-03990-SC

**JOINT STIPULATION TO VACATE
 PRE-TRIAL CONFERENCE, HEARING
 ON MOTIONS IN LIMINE AND TRIAL
 DATE**

Courtroom 1, 17th Floor
 Honorable Judge Samuel Conti

Complaint Filed: August 28, 2009
 Pre-Trial Conference: January 13, 2012
 Trial Date: January 23, 2012

26 TO THE HONORABLE SAMUEL CONTI, DISTRICT COURT JUDGE:
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1 Plaintiff George Kirbyson ("Plaintiff") and Defendant Tesoro Refining and Marketing
2 Company ("Defendant" or "Tesoro"), through their respective counsel of record herein, stipulate
3 and agree to the following:

4 **WHEREAS**, the pre-trial conference in this matter is scheduled on January 13, 2012;

5 **WHEREAS**, the parties' motions in limine are scheduled to be heard on January 13,
6 2012;

7 **WHEREAS**, this matter is scheduled for trial on January 23, 2012;

8 **WHEREAS**, the parties reached a settlement of the above-entitled case, subject to signing
9 of Settlement Agreement and Request for Dismissal, and Plaintiff filed a Notice of Settlement on
10 January 4, 2012;

11 **WHEREAS**, in light of the parties' settlement, the parties request that the Court vacate
12 the pre-trial conference, hearing on the motions in limine, and trial date.

13
14 **AGREEMENT**

15 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

- 16 1. That the pre-trial conference and hearing on the parties' motions in limine,
17 currently scheduled on January 13, 2012, and the trial, currently scheduled on
18 January 23, 2012, be vacated.
- 19 2. If a dismissal in this case is not filed within forty-five (45) days of this stipulation,
20 i.e., February 24, 2012, the Court will immediately reinstate this matter on the trial
21 calendar and rule on the parties' motions in limine.
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SO STIPULATED:

Dated: January 11, 2012	Michael S. Chamberlin Julie M. Capell Amy M. Gillinger FULBRIGHT & JAWORSKI L.L.P. By <u>/s/ Amy M. Gillinger</u> Amy M. Gillinger Attorneys for Defendant Tesoro Refining and Marketing Company
Dated: January 11, 2012	Shanan L. Hewitt RIVERA & ASSOCIATES By <u>/s/ Shanan L. Hewitt</u> Shanan L. Hewitt Attorneys for Plaintiff George L. Kirbyson

I, Amy M. Gillinger, am the ECF User whose ID and password are being used to file this joint Stipulation. In compliance with General Order 45, X.B., I hereby attest, through my signature above, that Shanan Hewitt concurred in this filing.

Dated: January 11, 2012	Michael S. Chamberlin Amy M. Gillinger FULBRIGHT & JAWORSKI L.L.P. By <u>/s/ Amy M. Gillinger</u> Amy M. Gillinger Attorneys for Defendant Tesoro Refining and Marketing Company
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CASE NO.: C-09-03990-SC

~~[PROPOSED]~~ ORDER VACATING PRE-
TRIAL CONFERENCE, HEARING ON
MOTIONS IN LIMINE AND TRIAL
DATE

Courtroom 1, 17th Floor
Honorable Judge Samuel Conti

Complaint Filed: August 28, 2009
Pre-Trial Conference: January 13, 2012
Trial Date: January 23, 2012

1 The Court, having reviewed the Joint Stipulation submitted by the parties, and good cause
2 appearing therefor, hereby grants the parties' Joint Stipulation as follows:

- 3 1. The pre-trial conference and hearing on the parties' motions in limine, currently
4 scheduled on January 13, 2012, and the trial, currently scheduled on January 23,
5 2012, shall be vacated.
- 6 2. If a dismissal in this case is not filed within forty-five (45) days of this stipulation,
7 i.e., February 24, 2012, the Court will immediately reinstate this matter on the trial
8 calendar and rule on the parties' motions in limine.

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10 **IT IS SO ORDERED.**

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12 Dated: 1/12, 2012

