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 3 Sacramento, California 95815
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 6 Jesse M. Rivera, CSN 84259
 7 Shanan L. Hewitt, CSN 200168
 8 Jonathan B. Paul, CSN 215884
 9
 10 Attorneys for Plaintiff,
 11 GEORGE KIRBYSON

8 **IN THE UNITED STATES DISTRICT COURT**
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 10 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11	GEORGE L. KIRBYSON,)	CASE NO. C09-03990 SC
12)	
13	Plaintiff,)	STIPULATED REQUEST FOR
14	vs.)	ENLARGEMENT OF TIME RE: COURT
15)	ORDER OF SEPTEMBER 17, 2010
16	TESORO REFINING AND MARKETING)	(DOC. 63); DECLARATION OF SHANAN
17	COMPANY, BRUCE SMITH, DAN)	L. HEWITT IN SUPPORT THEREOF
18	PORTER, WILLIAM BODNAR, BILL)	
19	REITZEL, DANIEL CARLSON, RICK)	
20	RIOS, TAMMY MEAMBER, DIANE)	
21	DANIELS, LARRY ANGEL, UNITED)	
	STEELWORKERS INTERNATIONAL)	
	UNION LOCAL 5, JEFF CLARK, STEVE)	
	ROJEK, and DOES 1 through 200, inclusive,)	
)	
	Defendants.)	
	_____)	

22 IT IS HEREBY STIPULATED by all parties to this action and the parties have agreed to
 23 request an enlargement of time of the scheduling order set forth in the Court's order of
 24 September 17, 2010. The parties have stipulated to the enlargement of time for expert
 25 disclosure, discovery, hearing of motions, pretrial conference and trial dates. The parties hereby
 26 propose the following modified dates:

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Trial Date: November or December 2011 (or later at the Court's convenience)
Discovery Deadline: September 1, 2011
Expert Disclosure: July 1, 2011
Motions Hearings: Last hearing date for motions, September 30, 2011
Pretrial Conference: Two weeks prior to selected trial date

Date: March 1, 2011

MORENO & RIVERA, LLP

/s/ Shanán L. Hewitt
SHANAN L. HEWITT
Attorney for Plaintiff,
George Kirbyson

Date: March 1, 2011

FULBRIGHT & JAWORSKI, LLP

/s/ Amy McGinnis Gillinger
AMY MCGINNIS GILLINGER,
Attorney for Defendant,
Tesoro Refining and Marketing Company

Date: March 1, 2011

WEINBERG, ROGER & ROSENFELD

/s/ Kristina L. Hillman
KRISTINA L. HILLMAN,
Attorney for Defendant,
United Steelworkers International Union,
Local 5

DECLARATION OF SHANAN L. HEWITT IN SUPPORT OF
STIPULATED REQUEST FOR ENLARGEMENT OF TIME

I, Shanana L. Hewitt, declare that:

1. I am attorney of record for Plaintiff GEORGE KIRYBSON and have personal knowledge of each and all of the facts stated in this Declaration.

2. I am an attorney authorized to practice law in the State of California and the U.S. District Courts for the Eastern and Northern Districts of California, the Ninth Circuit Court of Appeals and the United States Supreme Court.

3. Plaintiff's counsel and counsel for Tesoro have agreed to mediate this action. In addition, Plaintiff and Defendant USW Local 5 are currently engaged in settlement discussions. Due to the mediators' busy calendars, it is anticipated that the parties will not be able to mediate this case before May 2011. In order to conserve additional expense to the parties and the Court's resources, the parties are requesting that the Court modify the current scheduling order so that the parties may attempt to resolve this case.

4. Plaintiff's counsel has conferred with defense counsel Michael S. Chamberlin and Kristina L. Hillman and the parties have stipulated to an enlargement of time for all scheduling deadlines. It should be noted that, due to Plaintiff's counsel's availability and the preparation required for trial, they are requesting a trial date on or after November or December 2011.

5. Due to the anticipated timing of mediation in this case and in the interest of saving the time and expense for the parties and the Court, the parties request that the deadlines, as set forth in the Court's order of September 17, 2010 (Doc. 63), be modified as follows:

Trial Date: November or December 2011 (or later at the Court's convenience)

Discovery Deadline: September 1, 2011

Expert Disclosure: July 1, 2011

Motions Hearing: Last hearing date for motions, September 30, 2011

Pretrial Conference: Two weeks prior to selected trial date

6. This is the first request for modification of time brought before this Court.

7. Counsel is not bringing this request to cause any undue delay or for any dilatory

1 purpose.

2 8. Counsel respectfully requests that this Honorable Court grant the parties' request
3 and continue the dates set forth in the scheduling order in order to permit the parties to attempt to
4 settle this action.

5 I declare under penalty of perjury that the foregoing is true and correct.

6 Executed on this 1st day of March 2011, at Sacramento, California.

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/s/ Shanan L. Hewitt

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SHANAN L. HEWITT

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1 **George L. Kirbyson v. Tesoro Corp. dba Tesoro Refining and Marketing Company, et al.**
2 U.S. District Court, Northern District Sacramento
3 Case Number C 09-03990 SC

4 **PROOF OF SERVICE**

5 I am a citizen of the United States, employed in the City and County of Sacramento. My
6 business address is 1451 River Park Dr., Suite 145, Sacramento, California, 95815. I am over the
7 age of 18 years and not a party to the above-entitled action.

8 I am familiar with MORENO & RIVERA, LLP's practice whereby the mail is sealed, given the
9 appropriate postage and placed in a designated mail collection area. Each day's mail is collected
10 and deposited in a U.S. mailbox after the close of each day's business.

11 On the following date, I served the attached:

12 **STIPULATED REQUEST FOR ENLARGEMENT OF TIME RE: COURT**
13 **ORDER OF SEPTEMBER 17, 2010 (DOC. 63);**
14 **DECLARATION OF SHANAN L. HEWITT IN SUPPORT THEREOF**

15 X on the parties below in this action via electronic mail.

16 _____ (By Express Mail pursuant to Code of Civil Procedure section 1013.) I deposited each
17 sealed envelope, with the postage prepaid, to be delivered via Federal Express to the
18 party(ies) so designated on the service list.

19 addressed as follows:

20 **Attorneys for Tesoro**
21 Michael S. Chamberlin
22 Amy McGinnis Gillinger
23 Fulbright & Jaworski, L.L.P.

24 mchamberlin@fulbright.com
25 agillinger@fulbright.com

26 **Attorney for USW Local 5**
27 Kristina L. Hillman
28 Weinberg, Roger & Rosenfeld
1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

khillman@unioncounsel.net

29 I declare under penalty of perjury that the foregoing is true and correct and that this declaration is
30 executed on March 1, 2011 at Sacramento, California.

31 /s/ Shanana L. Hewitt

32 SHANAN L. HEWITT

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GEORGE KIRBYSON

**IN THE UNITED STATES DISTRICT COURT
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

GEORGE L. KIRBYSON,)
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Plaintiff,)
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vs.)
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TESORO REFINING AND MARKETING)
COMPANY, BRUCE SMITH, DAN)
PORTER, WILLIAM BODNAR, BILL)
REITZEL, DANIEL CARLSON, RICK)
RIOS, TAMMY MEAMBER, DIANE)
DANIELS, LARRY ANGEL, UNITED)
STEELWORKERS INTERNATIONAL)
UNION LOCAL 5, JEFF CLARK, STEVE)
ROJEK, and DOES 1 through 200, inclusive,)
)
)
Defendants.)
_____)

CASE NO. C09-03990 SC
**[PROPOSED] ORDER ON STIPULATED
REQUEST FOR ENLARGEMENT OF
TIME RE: COURT ORDER OF
SEPTEMBER 17, 2010 (DOC. 63)**

The parties to this action have stipulated and agreed to an enlargement of time of the scheduling order set forth in the Court's order of September 17, 2010. The parties have stipulated to the enlargement of time for expert disclosure, discovery, hearing of motions, pretrial conference and trial dates. Accordingly, the Court's order of September 17, 2010 (Doc. 63) is modified as follows:

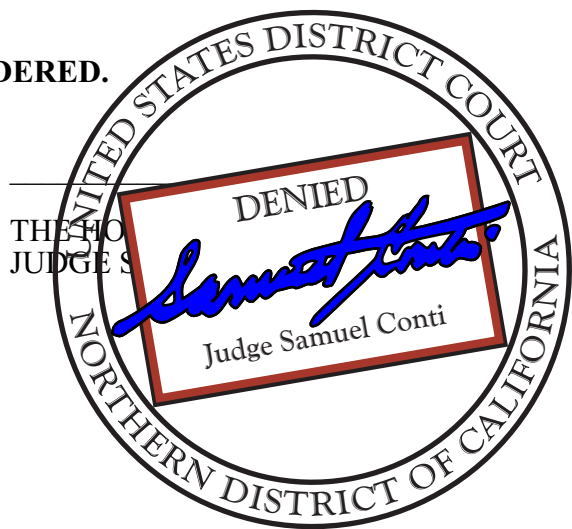
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Trial Date: November or December 2011
Discovery Deadline: September 1, 2011
Expert Disclosure: July 1, 2011
Motions Hearings: Last hearing date for motions, September 30, 2011
Pretrial Conference: Two weeks prior to selected trial date

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 3/2/11



1 **George L. Kirbyson v. Tesoro Corp. dba Tesoro Refining and Marketing Company, et al.**
2 U.S. District Court, Northern District Sacramento
3 Case Number C 09-03990 SC

4 **PROOF OF SERVICE**

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10 and deposited in a U.S. mailbox after the close of each day's business.

11 On the following date, I served the attached:

12 **[PROPOSED] ORDER ON STIPULATED REQUEST FOR ENLARGEMENT OF**
13 **TIME RE: COURT ORDER OF SEPTEMBER 17, 2010 (DOC. 63)**

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22 Fulbright & Jaworski, L.L.P.

23 mchamberlin@fulbright.com
24 agillinger@fulbright.com

25 **Attorney for USW Local 5**
26 Kristina L. Hillman
27 Weinberg, Roger & Rosenfeld
28 1001 Marina Village Parkway, Suite 200
Alameda, California 94501-1091

khillman@unioncounsel.net

I declare under penalty of perjury that the foregoing is true and correct and that this declaration is executed on March 1, 2011 at Sacramento, California.

_____/s/ Shanan L. Hewitt

SHANAN L. HEWITT