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 8 Jonathan B. Paul, CSN 215884
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 10 Attorneys for Plaintiff,
 11 GEORGE KIRBYSON

12
 13 **IN THE UNITED STATES DISTRICT COURT**
 14
 15 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16	GEORGE L. KIRBYSON,)	CASE NO. C09-03990 SC
17)	
18	Plaintiff,)	AMENDED STIPULATED REQUEST FOR
19)	ENLARGEMENT OF TIME RE: COURT
20	vs.)	ORDER OF SEPTEMBER 17, 2010
21)	(DOC. 63); DECLARATION OF SHANAN
22)	L. HEWITT IN SUPPORT THEREOF
23	TESORO REFINING AND MARKETING)	
24	COMPANY, BRUCE SMITH, DAN)	
25	PORTER, WILLIAM BODNAR, BILL)	
26	REITZEL, DANIEL CARLSON, RICK)	
27	RIOS, TAMMY MEAMBER, DIANE)	
28	DANIELS, LARRY ANGEL, UNITED)	
29	STEELWORKERS INTERNATIONAL)	
30	UNION LOCAL 5, JEFF CLARK, STEVE)	
31	ROJEK, and DOES 1 through 200, inclusive,)	
32)	
33)	
34	Defendants.)	
35	_____)	

36 IT IS HEREBY STIPULATED by all parties to this action and the parties have agreed to
 37 request an enlargement of time of the scheduling order set forth in the Court's order of
 38 September 17, 2010. The parties have stipulated to the enlargement of time for expert
 39 disclosure, discovery, and hearing of motions. The parties hereby propose the following
 40 modified dates:

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Expert Disclosure: April 13, 2011
Discovery Deadline: April 20, 2011
Motions Hearing: Last hearing date for motions, May 6, 2011

Date: March 4, 2011

MORENO & RIVERA, LLP

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

Date: March 4, 2011

FULBRIGHT & JAWORSKI, LLP

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

Date: March 4, 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
AMENDED 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 mediators' busy calendars, the parties are diligently trying to select a mediator that can mediate this case as soon as possible. However, it is unknown whether the parties will be able to locate a qualified mediator that will be able to mediate this case in approximately the next 30 days. For example, one of the mediators under consideration by the parties is not available until May 11, 2011.

4. The current upcoming pretrial deadlines in this case are as follows:

Expert Disclosure: April 1, 2011 (pursuant to the parties stipulation of March 3, 2010 if approved by the Court)

Discovery Deadline: April 6, 2011

Motions Hearing: Last hearing date for motions, April 29, 2011

On March 1, 2011, the parties filed a stipulated request to enlarge time which included a request to continue the pretrial conference and trial date (Doc. 67). However, the Court denied said request, and the parties have been informed that the Court will not consider a change to the trial date. In an attempt to save additional expenses of the parties (i.e. in conducting discovery, preparing expert disclosure and the expense of expert reports, and the expense of preparing dispositive motions) that can be better focused on settlement of this case, the parties are requesting that the Court modify the current scheduling order so that the parties may attempt to resolve this case.

1 5. Plaintiff's counsel has conferred with defense counsel Michael S. Chamberlin,
2 Amy McGinnis Gillinger and Kristina L. Hillman and the parties have stipulated to an
3 enlargement of time for these scheduling deadlines.

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

7 Expert Disclosure: April 13, 2011

8 Discovery Deadline: April 20, 2011

9 Motions Hearing: Last hearing date for motions, May 6, 2011

10 7. This is the second request for modification of time brought before this Court (first
11 request filed March 1, 2011 (Doc. 67).

12 8. Counsel is not bringing this request to cause any undue delay or for any dilatory
13 purpose.

14 9. Counsel respectfully requests that this Honorable Court grant the parties' request
15 and continue the dates set forth in the scheduling order in order to permit the parties to attempt to
16 settle this action.

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

18 Executed on this 4th 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 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 ***AMENDED STIPULATED REQUEST FOR ENLARGEMENT OF TIME RE:
13 COURT 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 Fulbright & Jaworski, L.L.P.
23 555 South Flower Street, 41st Floor
24 Los Angeles, CA 90071

25 mchamberlin@fulbright.com

26 I declare under penalty of perjury that the foregoing is true and correct and that this declaration is
27 executed on March 4, 2011 at Sacramento, California.

28 _____ /s/ Rhonda Harrigan

RHONDA HARRIGAN

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Attorneys for Plaintiff,
GEORGE KIRBYSON

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

GEORGE L. KIRBYSON,)
)
 Plaintiff,)
 vs.)
)
 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 AMENDED
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, and hearing of motions. Accordingly, the Court's order of September 17, 2010 (Doc. 63) is modified as follows:

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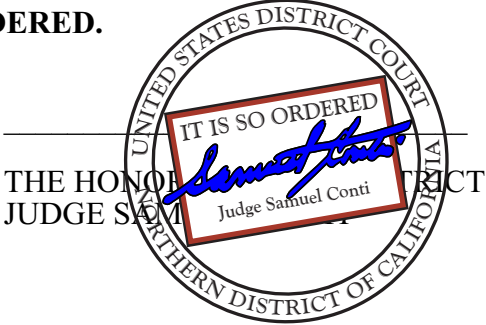
Expert Disclosure: April 13, 2011

Discovery Deadline: April 20, 2011

Motions Hearings: Last hearing date for motions, May 6, 2011

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 3/7/11



1 **George L. Kirbyson v. 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
7 the age of 18 years and not a party to the above-entitled action.

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

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

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17 sealed envelope, with the postage prepaid, to be delivered via Federal Express to the
18 party(ies) so designated on the service list.

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22 Fulbright & Jaworski, L.L.P.
23 555 South Flower Street, 41st Floor
24 Los Angeles, CA 90071

25 mchamberlin@fulbright.com

26 I declare under penalty of perjury that the foregoing is true and correct and that this declaration
27 is executed on March 4, 2011 at Sacramento, California.

28 _____ /s/ Rhonda Harrigan

RHONDA HARRIGAN