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12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA

15 MIKE FURSMAN; STEVE SACKS, in their)
 capacities as Trustees of the NORTHERN)
 16 CALIFORNIA UFCW WHOLESALE)
 HEALTH & WELFARE FUND,)

17 Plaintiffs,

18 v.

19 JOHN MORRELL & CO. doing business as)
 20 MOHAWK PACKING COMPANY and/or)
 MOHAWK MEAT COMPANY,)

21 Defendant.

No. 09-CV-04616-SI

) **STIPULATION AND [PROPOSED]**
) **ORDER CONTINUING INITIAL**
) **CASE MANAGEMENT**
) **CONFERENCE AND RELATED**
) **DEADLINES**

) **[L.R. 3-12(a)]**

) Judge: Susan Illston
) Courtroom: 10, 19th Floor

24 Plaintiffs Mike Fursman, Steve Sacks, in their capacities as Trustees of the Northern
 25 California UFCW Wholesale Health & Welfare Fund (“Plaintiffs”), and Defendant John Morrell &
 26 Co., doing business as Mohawk Packing Company and/or Mohawk Meat Company (“Defendant”),
 27 through their respective counsel, hereby stipulate to and request that the Court order that the Initial
 28 Case Management Conference and related deadlines be continued for a period of 120 days.

1 1. Pursuant to the Court’s Order Setting Initial Case Management Conference and
2 ADR Deadlines, the Initial Case Management Conference in this action is set for January 15, 2010
3 at 2:30 p.m. Other case management deadlines, including the filing of the ADR Certification,
4 completion of initial disclosures, and filing of the Case Management Statement, precede and are set
5 in relation to the Case Management Conference.

6 2. On November 5, 2009, the parties met to discuss the outstanding issues and agreed
7 to a process to explore a possible resolution of this action without the necessity of further litigation,
8 time and expense. This case involves two payroll compliance testing audits. To that end, the
9 parties intend to exchange information and need additional time to gather information as well as
10 review said information. This case involves two payroll compliance audits covering several years.
11 The parties currently anticipate that a short extension of case management deadlines will enable
12 them to focus their efforts on resolving this matter.

13 3. There have been no previous time modifications related to the Initial Case
14 Management Conference or related case management activities in this case.

15 4. The parties expect that the requested extension of the date for the Initial Case
16 Management Conference will have no adverse effect on the schedule for the case. No trial date or
17 other deadlines have yet been set. The requested extension may facilitate the resolution of the
18 parties’ dispute, and will at a minimum enable the parties to exchange information about their
19 respective positions that may streamline case management.

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1 Therefore, Plaintiffs and Defendant, through their respective counsel, stipulate and agree as
2 follows:

3 1. The Initial Case Management Conference date of January 15, 2010 at 2:30 p.m. and
4 related deadlines are vacated.

5 2. The Initial Case Management Conference date is extended to May 7, 2010
6 at 2:30 p.m.. Related deadlines for ADR and case management activities are extended
7 accordingly, as provided in the Court's Order Setting Initial Case Management Conference and
8 ADR Deadlines.

9 Dated: December 21, 2009

10 WEINBERG, ROGER & ROSENFELD
11 A Professional Corporation

12 By: /s/ Linda Baldwin Jones
13 LINDA BALDWIN JONES
14 Attorneys for Plaintiffs

15 Dated: December _____, 2009

16 BALLARD, ROSENBERG, GOLPER & SAVITT, LLP

17 By: /s/ Katherine A. Hren
18 KATHERINE A. HREN
19 Attorneys for Defendant

20
21 **[PROPOSED] ORDER**

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23
24 Dated: _____

25 
26 THE HONORABLE SUSAN ILLSTON

27 120526/554463