ע	eclaration of Robert C. Phelps, submitted he	- 1 -
	200 p.m By this Stipulation and Proposed C	
	This matter is currently set for a Case	Management Conference on August 5, 2011, at
	Defendants.	Judge: Hon. Susan Illston)
co D	HEVRON CORPORATION, a Delaware orporation, CHEVRON U.S.A. INC., a belaware corporation, and DOES 1 through 0, Inclusive,) Trial Date: June 20, 2011) Time: 9:00 a.m.) Courtroom: 10, 19th Floor
	vs.) DATE
	Plaintiff,	 ROBERT C. PHELPS, AND PROPOSED ORDER REGARDING CASE MANAGEMENT CONFERENC
	RANSBAY AUTO SERVICE, INC., a alifornia corporation,) STIPULATION, DECLARATION OF
_) Case No. CV 09-4932 SI
	NORTHERN DIST	TRICT OF CALIFORNIA
		ES DISTRICT COURT
	RANSBAY AUTO SERVICE, INC.	
	mail: bleaushark@aol.com .ttorneys for Plaintiff	
F	elephone: (323) 874-8613 acsimile: (323) 874-1234	
3: L	575 Cahuenga boulevard, Suite 580 os Angeles, CA 90068	
M	MARTIN FOX Bar No. 155783 MEGAN CHILDRESS Bar No. 266926	
ВТ	LEAU/FOX, A P.L.C. HOMAS P. BLEAU Bar No. 152945	
	Attorneys for Defendant Chevron U.S.A. Inc.	
F	acsimile: (925) 945-1975 mail: bphelps@glynnfinley.com	
V	Valnut Čreek, CA 94596	
0	ne Walnut Creek Center	
R O 10 W T	00 Pringle Avenue, Suite 500 Valnut Creek, CA 94596 Jelephone: (925) 210-2800	

1	("Chevron") requests that the Case Managemen	it Conference be continued (or advanced) to a new
2	date convenient to the Court. Counsel for plain	tiff does not object to this request. The parties
3	have inquired of the Court's staff and have been	advised that the Court would be able to hear this
4	matter on September 2, 2011, at 3:00 p.m. That	date and time is acceptable to both parties,
5	provided telephonic appearances will be accepted	ed.
6	Dated: July 21, 2011	
7		GLYNN & FINLEY, LLP ROBERT C. PHELPS
8		
9		By /s/ Robert C. Phelps
10	(4):	Robert C. Phelps
11	10	Attorneys for Defendant Chevron U.S.A. Inc.
12	Dated: July, 2011	
13		BLEAU/FOX A P.L.C. THOMAS P. BLEAU
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15	g .	By
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17		Attorneys for Plaintiff Transbay Auto Service, Inc.
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9		Ву
10		Robert C. Phelps
11		Attorneys for Defendant Chevron U.S.A. Inc.
12	Dated: July 21, 2011	DI DI IVIMOTI I DI G
13		BLEAU/FOX A P.L.C. THOMAS P. BLEAU SAMUEL T. REES
14		SAMOEL I. REES
15		STR
16	9	Samuel T. Rees
17		Attorneys for Plaintiff
18		Transbay Auto Service, Inc.
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I	DECLARATION OF ROBERT C. FRELES
2	I, ROBERT C. PHELPS, hereby state under penalty of perjury as follows:
3	1. I am an attorney licensed to practice before this Court and all courts of the State of
4	California. I am associated with the law firm of Glynn & Finley LLP, counsel for Defendant
5	Chevron U.S.A. Inc. ("Chevron") in this matter. I have personal knowledge of the matters set
6	forth herein and submit this declaration in support of Chevron's request to change the date set for
7	the further Case Management Conference in this matter.
8	2. The Court will recall that this Case Management Conference was set following
9	the mistrial caused by my medical emergency, incapacitation and emergency abdominal surgery
0	on June 20-21, 2011. I was hospitalized and on heavy medication until late in the day on June
1	23, 2011. I understand that the Court set this hearing date on June 22, 2011, while I was still
2	hospitalized.
3	3. I have handled all aspects of this case personally since its inception, with the sole
4	exception of the hearings held while I was hospitalized. I conducted all written discovery, took
.5	and defended all depositions, wrote and argued all motions, and attended all hearings and
6	conferences in this case (including all settlement conferences) as Chevron's counsel.
7	4. When the Court set the Case Management Conference for August 5, 2011,
8	counsel who represented Chevron in my absence was unaware of my schedule for early August,
9	2011.
20	5. My daughter is entering the Freshman class at Bard College in Annandale-On-
21	Hudson, NY, in August. She is required to be on-campus by August 7, 2011. Her classes start
22	on August 8, 2011 (see "Summer 2011" academic calendar at:
23	http://www.bard.edu/academics/calendar/).
24	6. I have long planned to take her to Bard to get her settled in for her first year of
25	school. I have non-refundable airline tickets to take my daughter to college, leaving SFO on
26	August 5, 2011, at 7:06, a.m., on United Flight 620, to New York City. Because of the logistics

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1	of getting to Annandale-On-H	ludson, NY, in time for my daughter's dorm check-in deadline, it i	ıS
2	impractical for us to leave for	New York later than the morning of August 5, 2011.	
3	7. On July 18, 20	11, I met with Dr. Matthew Dixon, M.D., the surgeon at Kaiser	
4	Permanente in Oakland, CA,	who did my surgery on June 21, 2011. At that meeting, Dr. Dixon	1
5	cleared me to travel with my	daughter to New York City.	
6	8. When I realize	d that the Case Management Conference conflicted with my	
7	daughter's college start date, l	I advised Transbay's counsel, Mr. Rees, of the conflict. Mr. Rees	
8	indicated that he did not object	et to changing the date of the Case Management Conference.	
9	I declare under penalty	of perjury under the laws of the State of California that the	
10	foregoing is true and correct.	Executed this 21st day of July, 2011, in Walnut Creek, California	•
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12		/s/ Robert C. Phelps	_
13		Robert C. Phelps	
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1	[PROPOSED] ORDER
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3	Based upon the parties' stipulation and for the reasons set forth in the Declaration of
4	Robert C. Phelps, the Case Management Conference in this matter, currently set for August 5,
5	2011, is hereby rescheduled to, 2011, at
6	IT IS SO ORDERED.
7	Dated: July 21, 2011.
	and Decitor
8	Hon. Susan Illston U.S. District Judge
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