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17 Attorneys for Plaintiffs RICK DELAGARZA, PAUL GUTIERREZ,
 18 SAL LUCIDO, APRIL MOORE, CHARLES GRIMMETT, ANTONIO GARCIA, AND BRIAN
 CASHWEL

19 **UNITED STATES DISTRICT COURT**

20 **NORTHERN DISTRICT OF CALIFORNIA**

21 RICK DELAGARZA, individually, and PAUL)
 GUTIERREZ, SAL LUCIDO, and APRIL)
 22 MOORE, CHARLES GRIMMETT, ANTONIO)
 GARCIA and BRIAN CASHWELL,)
 23 individually and on behalf of all similarly)
 situation current and former employees,)
 24 Plaintiffs,)
 25 v.)
 26 TESORO REFINING AND MARKETING)
 COMPANY and DOES 1 through 10, inclusive,)
 27 Defendants.)

Case No: C 09-05803 EMC

[Honorable Edward M. Chen
 Courtroom C]

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

Complaint Filed: November 17, 2009

1 Pursuant to Civil L.R. 7-12, Plaintiffs Rick Delagarza, Paul Gutierrez, Sal Lucido, April
2 Moore, Charles Grimmett, Antonio Garcia and Brian Cashwell ("Plaintiffs") and Defendant
3 Tesoro Refining and Marketing Company ("Tesoro") (collectively, the "Parties"), by and
4 through their undersigned counsel, hereby stipulate and agree as follows:

5 **WHEREAS**, a case management conference is currently scheduled in this matter for
6 January 20, 2012, at 9:00 a.m.;

7 **WHEREAS**, counsel for Tesoro will be attending out of state meetings on January 20,
8 2012;

9 **WHEREAS**, the Parties are engaged in substantial settlement negotiations with a high
10 likelihood of success and hope to focus resources on settlement rather than continued litigation;

11 **WHEREAS**, a short continuance will not interfere with the case calendar and no trial
12 date has been set;

13 **WHEREAS**, the Parties agree that judicial economy would be promoted by continuing
14 the case management conference until January 27, 2012, or a date thereafter that is convenient
15 for the Court.

16 **THEREFORE, THE PARTIES HERETO STIPULATE AND RESPECTFULLY**
17 **REQUEST THAT THE COURT ORDER** that the case management conference scheduled for
18 January 20, 2012, be continued to January 27, 2012, or the soonest available date thereafter.

19 DATED: January 10, 2012

SEYFARTH SHAW LLP

21 By /s/ Timothy M. Rusche

22 Timothy M. Rusche

23 Kristen M. Agnew

Attorneys for Defendant

24 Tesoro Refining and Marketing Company

GILBERT & SACKMAN

A LAW CORPORATION

25 DATED: January 10, 2012

27 By /s/ Linda S. Fang

28 Linda S. Fang

Attorneys for Plaintiffs

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PURSUANT TO STIPULATION, IT IS SO ORDERED that the case management conference currently set for January 20, 2012 shall be rescheduled for January 27, 2012 at 9:00 a.m.

DATED: January 11, 2012.



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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss
COUNTY OF LOS ANGELES)

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Seyfarth Shaw LLP, 333 S. Hope Street, Suite 3900, Los Angeles, California 90071. On January 10, 2012, I served the within documents:

STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT CONFERENCE

- I sent such document from facsimile machine (213) 270-9601. I certify that said transmission was completed and that all pages were received and that a report was generated by facsimile machine (213) 270-9601 which confirms said transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the parties listed below.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by placing the document(s) listed above, together with an unsigned copy of this declaration, in a sealed Federal Express envelope with postage paid on account and deposited with Federal Express at Los Angeles, California, addressed as set forth below.
- electronically by using the Court's ECF/CM System.

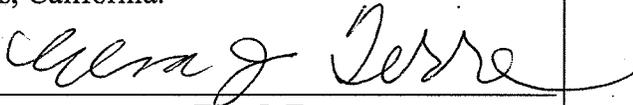
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I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 10, 2012, at Los Angeles, California.



Elsa J. Terre