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6 Attorneys for Defendant
 D.M. JACOBSON & SONS, INC.
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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
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11 CRAIG YATES,
 12 Plaintiff,
 13 vs.
 14 D.M. JACOBSON & SONS, INC., aka
 15 JACOBSON AND SONS BUILDING,
 16 Defendant.

CASE NO.: CV 10-0055 MEJ
**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE TRIAL
 DATE AND DISCOVERY
 DEADLINES**

17 Plaintiff Craig Yates ("Plaintiff") and Defendant D.M. Jacobson & Sons, Inc.
 18 ("Defendant") through their undersigned counsel of record, hereby STIPULATED AND
 19 AGREED as follows, and request that the Court continue the trial date in this matter to a
 20 date convenient for the Court in January 2013.

- 21 1. The trial date in this matter is currently set for June 18, 2012.
- 22 2. Defendant Leslie C. Jacobson is an 81-year-old man who recently
- 23 underwent a Quadruple Bypass Heart Surgery. Because his doctor advised
- 24 him to avoid stressful situations and to refrain from returning to work for at
- 25 least six months, Defendant cannot sit for deposition, participate in
- 26 discovery, or assist counsel in preparing for trial until April 2012, at the
- 27 earliest.
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- 3. The Parties respectfully submit that Defendant’s medical condition and inability to participate in discovery or trial preparation constitutes good cause for a continuance.
- 4. The Parties agree that trial should be continued for the foregoing reasons, and respectfully request that the Court continue the trial to a date in January 2013 that is convenient for the Court. This will provide the parties sufficient time to complete discovery and prepare for trial once Defendant recovers.
- 5. The Parties further stipulate that all discovery, expert discovery, and motion deadlines will run from the new trial date.

DATED: October 26, 2011 BOWLES & VERNA LLP

By: /s/ Jeremy C. Berla
 Jeremy C. Berla
 Attorneys for Defendant

DATED: October 26, 2011 THOMAS E. FRANKOVICH, A
PROFESSIONAL LAW CORPORATION

By: /s/ Thomas E. Frankovich
 Thomas E. Frankovich
 Attorneys for Plaintiff

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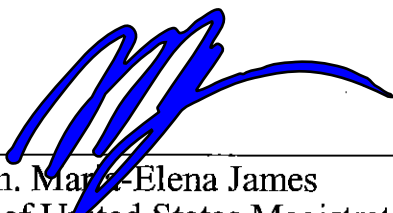
PROPOSED ORDER

The Court, having read and considered the stipulation of the parties, and for good cause shown, hereby ORDERS that:

1. The trial in this matter previously set for June 18, 2012 is continued to January 7, 2013 at 9:30 a.m. in Department _____. ~~All discovery, expert discovery, and motion deadlines are continued and shall run from the new trial date.~~ The Court shall issue a revised scheduling order.

IT IS SO ORDERED.

Dated: October 26, 2011



Hon. Maria Elena James
Chief United States Magistrate Judge

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PROOF OF SERVICE
(Yates v. D.M. Jacobson; Case No. CV 10-0055 MEJ)

I, the undersigned, declare as follows: I am a citizen of the United States, over the age of 18 years, and not a party to, or interested in the within entitled action. I am an employee of BOWLES & VERNA LLP, and my business address is 2121 N. California Blvd., Suite 875, Walnut Creek, California 94596.

On October 26, 2011, I served the following document(s):

**STIPULATION AND [PROPOSED] ORDER TO CONTINUE TRIAL DATE AND
DISCOVERY DEADLINES**

on the following parties in this action addressed as follows:

Attorneys for Craig Yates

Thomas E. Frankovich

Thomas E. Frankovich, PLC

4328 Redwood Highway

Suite 300

San Rafael, CA 94903

415-674-8600

Fax: 415-674-9900

Email: tfrankovich@disabilitieslaw.com

arcooper@disabilitieslaw.com

(BY MAIL) I caused each such envelope, with postage thereon fully paid, to be placed in the United States mail at Walnut Creek, California. I am readily familiar with the business practice for collection and processing of mail in this office. That in the ordinary course of business said document(s) would be deposited with the U.S. Postal Service in Walnut Creek on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained on this affidavit.

xxx _____
(BY EMAIL OR ELECTRONIC TRANSMISSION) I caused each such person to be served via electronic mail at the email addresses listed above or via the Court's ECF System.

(BY PERSONAL SERVICE) I caused each such envelope to be delivered by hand to each addressee above.

(BY OVERNIGHT DELIVERY) I caused each envelope, with delivery fees provided for, to be deposited in a box regularly maintained by UPS/FEDERAL EXPRESS. I am readily familiar with Bowles & Verna's practice for collection and processing of correspondence for overnight delivery and know that in the ordinary course of Bowles & Verna's business practice the document(s) described above will be deposited in a box or other facility regularly maintained by UPS/FEDERAL EXPRESS or delivered to an authorized courier or driver authorized by UPS/FEDERAL EXPRESS to receive documents on the same date that it is placed at Bowles & Verna for collection.

(BY FACSIMILE) By use of facsimile machine number (925) 935-0371 or (925) 256-1755, I served a copy of the within document(s) on the above interested parties at the facsimile numbers listed above. The transmission was reported as complete and without error. The transmission report was properly issued by the transmitting facsimile machine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.
Executed on October 26, 2011, at Walnut Creek, California.

/s/ Erica L. Dorrington
Erica Dorrington