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14 UNITED STATES DISTRICT COURT  
 15 NORTHERN DISTRICT OF CALIFORNIA  
 16 SAN FRANCISCO DIVISION

17 RAQUEL HERNANDEZ and CARLOS )  
 18 HERNANDEZ, )  
 )  
 19 Plaintiffs, )  
 )  
 20 v. )  
 )  
 21 THOMAS VILSACK, Secretary of the U.S. )  
 Department of Agriculture, )  
 22 )  
 Defendant. )  
 23 )

No. C 10-4198 TEH (LB)

**STIPULATION AND PROPOSED  
 ORDER TO CONTINUE MEDIATION  
 DEADLINE AND SETTLEMENT  
 CONFERENCE**

24 Pursuant to Local Civil Rules 6-1 and 6-2, Defendant Thomas Vilsack, Secretary of the  
 25 United States Department of Agriculture (“Defendant”) and Plaintiffs Raquel and Carlos  
 26 Hernandez (“Plaintiffs”), by and through their respective counsel, hereby jointly and  
 27 respectfully request that the Court continue the September 10, 2011 mediation deadline to  
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1 October 21, 2011 and continue the November 8, 2011 settlement conference with Magistrate  
2 Judge Laurel Beeler until June 19, 2012, which is closer to the September 25, 2012 trial in the  
3 above-captioned matter. In accordance with Local Civil Rule 6-2(a), this stipulation is supported  
4 by the Declarations of Ann Marie Reding and Murlene Randle and a proposed order, which are  
5 filed herewith. The parties stipulate as follows:

6 1. On September 16, 2011, Plaintiffs filed their Complaint for Damages, Declaratory  
7 & Equitable Relief. *See* Docket No. 1.

8 2. On February 23, 2011, the Court signed the parties' Stipulation and Order  
9 Selecting ADR and referred this case to mediation. *See* Docket No. 15.

10 3. On March 14, 2011, the Court entered an Order for Pretrial Preparation, setting  
11 this case for a jury trial on September 25, 2012 and referring this case to a magistrate judge for a  
12 mandatory settlement conference no later than 5 calendar days before trial. On the same day, the  
13 Court ordered the parties to complete mediation by September 10, 2011. *See* Docket Nos. 19  
14 and 20, ¶ 8.

15 4. On March 17, 2011, the Court issued a Notice and Order re Settlement  
16 Conference, setting this matter for a settlement conference before Magistrate Judge Laurel  
17 Beeler on November 8, 2011 at 9:30 a.m. *See* Docket No. 21.

18 3. On March 29, 2011, the Court appointed Jody I. LeWitter as the mediator for this  
19 case and *See* Docket No. 24.

20 4. On May 13, 2011, the parties had a telephone conference with Ms. LeWitter and  
21 agreed to a mediation date of September 7, 2011. *See* Declarations of Ann Marie Reding  
22 ("Reding Decl."), ¶ 2; Declaration of Murlene Randle ("Randle Decl."), ¶ 5.

23 5. Due to the unavailability of the parties and of counsel, the parties will not be able  
24 to conduct necessary discovery prior to the September 10, 2011 mediation deadline. *See* Reding  
25 Decl., ¶¶ 3-6; Randle Decl., ¶¶ 6-12.

26 6. The parties, however, have agreed to a deposition schedule and a new mediation  
27 date of October 19, 2011. The parties have also confirmed that Ms. LeWitter is available to  
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1 mediate this case on October 19, 2011. *See* Reding Decl., ¶¶ 7-8; Randle Decl., ¶ 12.

2 7. Based on the foregoing, the parties respectfully request that the Honorable  
3 District Court Judge Thelton Henderson continue the mediation deadline from September 10,  
4 2011 to October 21, 2011 so that the parties will have time to conduct necessary discovery and  
5 will be able to prepare for a meaningful mediation session with Ms. LeWitter. *See* Reding Decl.,  
6 ¶ 10; Randle Decl., ¶ 13.

7 8. The parties further jointly and respectfully request that the Honorable Magistrate  
8 Judge Laurel Beeler continue the mandatory settlement conference from November 8, 2011 until  
9 a June 19, 2012, which is closer to the September 25, 2012 trial in this matter. The parties  
10 believe that the mandatory settlement conference was scheduled for November 8, 2011 in error,  
11 as Judge Henderson had also ordered the parties to mediation, due to be completed very close in  
12 time to the settlement conference with Judge Beeler. *See* Reding Decl., ¶ 11; Randle Decl., ¶ 14.

13 9. Other than a stipulation between the parties to extend the time for Defendant to  
14 respond to Plaintiffs' Complaint, and an request at the initial case management conference to  
15 extend the mediation to September 10, 2011, no prior extensions of time have been requested or  
16 granted. *See* Reding Decl., ¶ 12; Randle Decl., ¶ 15

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