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 12 and Doug Christopher

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

16 RUSSELL HINTON CO., a California
 Corporation

17 Plaintiff & Counter-Defendant,

18 v.

19 DISTRICT COUNCIL 16 OF THE
 20 INTERNATIONAL UNION OF PAINTERS
 AND ALLIED TRADES AND DOUG
 21 CHRISTOPHER,

22 Defendants & Counter-Claimants.

Case No. 3:11-CV-01627-SI

**JOINT STATUS REPORT AND
 STIPULATION AND [PROPOSED]
 ORDER CONTINUING (i) DEADLINE
 TO COMPLETE ADR AND (ii) CASE
 MANAGEMENT CONFERENCE**

District Judge Susan Illston

Complaint Filed: April 4, 2011

CMC Date (currently) December 9, 2011

24 The parties, by and through their undersigned attorneys of record, hereby furnish the
 25 following status report and stipulate and agree and respectfully request that the Court (i) extend
 26 the December 5, 2011 deadline to complete binding arbitration, and (ii) continue the Initial Case
 27 Management Conference currently scheduled for December 9, 2011.

1 This Report and Stipulation are based on the following facts:

2 This action was filed on April 4, 2011.

3 Defendants filed their Answer and Counter-Claim on May 6, 2011.

4 An initial Case Management Conference was set for August 25, 2011.

5 On August 5, 2011 the Court entered a stipulated order referring the case to private binding
6 arbitration, to be completed within one hundred twenty (120) days, which would be December 5
7 2011. (Docket No. 23).

8 The matter is currently set for an Initial Case Management Conference on December 9,
9 2011 at 2:30 p.m., pursuant to the parties Stipulation and the Court's subsequent Order of August
10 24, 2011. (Docket No. 25).

11 The parties mutually agreed to an arbitrator (Luella Nelson) and, based on the schedules of
12 the parties and the arbitrator, scheduled an arbitration hearing on the first mutually convenient
13 date of December 14, 2011.

14 Between approximately October 15, 2011 and November 15, 2011, the parties filed various
15 papers with the Arbitrator in connection with a motion to dismiss by Defendants. A telephonic
16 conference was held between the parties and the Arbitrator on November 29, 2011 to address pre-
17 hearing matters and matters raised by the motion.

18 As a result of the November 29th telephone hearing, the Arbitrator set further briefing to
19 be completed by Defendants by December 5, 2011 and by Plaintiff by December 8, 2011. The
20 parties were also directed to furnish a stipulation of facts pertaining to the motion to dismiss to the
21 Arbitrator by December 8, 2011. The Arbitrator set December 14, 2011 as a target date for the
22 rendering of a decision on the motion to dismiss.

23 Based on the foregoing, no evidentiary hearing will take place on December 14, 2011.
24 The Arbitrator has advised the parties to select a new hearing date from among the following next
25 available hearing dates on the Arbitrator's calendar: (i) April 18-20; (ii) May 7-9; or (iii) June 13-
26 15. Counsel are currently furnishing the Arbitrator with their availability.

1 If the Defendants' motion to dismiss is not dispositive of all claims in the case, the matter
2 will proceed to evidentiary hearing before the Arbitrator, but not before one of the dates set forth
3 above.

4 The Arbitrator has directed and the parties agreed to request the Court extend the deadline
5 to complete private arbitration and to continue further case management conferences until the
6 matter can proceed to hearing on one of the dates set forth above.

7 Accordingly, the parties respectfully request the Court continue the Initial Case
8 Management Conference to allow the parties sufficient time to complete arbitration such that the
9 parties may appear before the Court at a post-arbitration status conference at the Court's
10 convenience sometime after June 15, 2012.

11 Specifically, the parties respectfully request that the Court extend the deadline to complete
12 binding arbitration to June 15, 2012 and continue the Initial Case Management Conference at the
13 Court's convenience sometime after July 15, 2012 (date selected to allow the Arbitrator thirty (30)
14 days to render her award following hearing).

15 Respectfully Submitted,

16 LAW OFFICES OF A. PETER RAUSCH, JR.

17
18 Dated: December 2, 2011

19 By: /A. Peter Rausch, Jr. /
20 A. PETER RAUSCH, JR.
21 Attorneys for Plaintiff and Counter-Defendant,
22 Russell Hinton Co., a California corporation
23 **[Signed Electronically for eFiling]**

24 WEINBERG, ROGER & ROSENFELD

25
26 Dated: December 2, 2011

27 By: /David A. Rosenfeld/
28 DAVID A. ROSENFELD
Attorneys for Defendants & Counter-Claimants,
District Council 16 of the International Union of
Painters and Allied Trades; and Doug
Christopher
[Signed Electronically for eFiling]

1 **E-FILING SIGNATURE ATTESTATION**

2 I hereby attest that I have been expressly authorized by opposing counsel, through his
3 associate, Lisl Duncan, to affix his signature above as indicated by a "conformed" signature (/S/)
4 within this e-filed document.

5
6 December 2, 2011

/s/ A. Peter Rausch, Jr.
A. Peter Rausch, Jr.

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8 **[Signed Electronically for eFiling]**
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1 **[PROPOSED] ORDER**

2 PURSUANT TO STIPULATION, and good cause appearing,

3 IT IS SO ORDERED THAT:

4 The parties' deadline to complete binding arbitration is extended from December 5, 2011
5 to June 15, 2012.

6 The Court's Initial Case Management Conference scheduled for December 9, 2011 at 2:30
7 p.m. and all related pre-hearing filing requirements are hereby vacated. This matter is set for a
8 Case Management Conference on 6/29/12 at 3 a.m.(p.m.)
9 Pursuant to Local Rule the parties are directed to file a Joint Status Conference Report no later
10 than seven (7) days prior to the Status Conference.

11
12
13 Dated: 12/6/11



14 UNITED STATES DISTRICT JUDGE

1 **CERTIFICATE OF SERVICE**

2 I, the undersigned, hereby certify that on December 2, 2011, I electronically filed the
3 foregoing with the Clerk of Court for the United States District Court, Northern District of
4 California by using the CM/ECF system. I certify that all participants in the case are registered
5 CM/ECF users and that service will be accomplished by the CM/ECF system.

6 /s/ A. Peter Rausch, Jr.
7 A. PETER RAUSCH, JR.

8 LAW OFFICES OF A. PETER RAUSCH, JR.
9 Attorneys for Plaintiff and Counter-Defendant,
10 Russell Hinton Co., a California corporation

11 **[Signed Electronically for eFiling]**

1 **CERTIFICATE OF SERVICE**

2 The undersigned hereby certifies as follows:

3 I am an employee of the Law Offices of A. Peter Rausch, Jr., 1930 Tienda Drive, Suite
4 106, Lodi, California 95242. I am over 18 years of age and am not a party to the within action.

5 On December 2, 2011, I served a true and correct copy of the following document:

6 **JOINT STATUS REPORT AND STIPULATION AND
7 [PROPOSED] ORDER CONTINUING (i) DEADLINE TO COMPLETE ADR
8 AND (ii) CASE MANAGEMENT CONFERENCE**

9 on the following individuals:

10 X **(BY MAIL)** placing a true copy thereof in a sealed envelope, with postage fully prepaid
11 for first-class mail, for collection and mailing at the Law Offices of A. Peter Rausch, Jr.,
12 Lodi, California following ordinary business practices. I am readily familiar with the
13 practice of the Law Offices of A. Peter Rausch, Jr. for collection and processing of
14 correspondence, said practice being that in the ordinary course of business, correspondence
15 is deposited in the United States Postal Service the same day as it is placed for collection.
16 The sealed envelope was addressed as follows:

17
18 Luella Nelson, Arbitrator
19 PMB 159
20 4096 Piedmont Avenue #159
21 Oakland, CA 94611

22 I declare under penalty of perjury that the foregoing is true and correct.

23 Executed this 2nd day of December, 2011 at Lodi, County of San Joaquin, California.

24 /Jaime Pacheco/
25 Jaime Pacheco
26 **[Signed Electronically for eFiling]**
27
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