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UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

(San Francisco Division)

FARMERS INSURANCE EXCHANGE, CASE NO. C11-02042 MMC Plaintiff, and all consolidated cases STIPULATION TO CONTINUE VS. **MARCH 8. 2012 SETTLEMENT** THE COCA-COLA COMPANY and CONFERENCE DOES 1-50. AND ORDER THEREON Defendants.

IT IS HEREBY STIPULATED by and between the parties hereto, through their respective attorneys of record herein, that the Settlement Conference in this matter, currently scheduled to be held on March 8, 2012 at 9:30 a.m., in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California 94102 before Magistrate Judge Joseph C. Spero, be continued through April 6, 2012.

Good cause exists for this continuance as the depositions of the plaintiffs, which are still ongoing, are taking significantly more time than anticipated due to a number of unforseen circumstances: the Plaintiffs' requiring the use of an interpreter is making communication difficult and resulting in the question-and-answer process taking longer than expected.

Further, the Defendants believe that not enough discovery has been completed thus far, and will not be completed prior to the Settlement Conference, in order to insure them that they have enough information to have a productive Settlement Conference session. Defendants have still not received Plaintiff Belete's medical records and have only recently received medical records for Plaintiff Alemu from a health care provider that was recently revealed during the taking of his deposition. Further, Defendants need to complete taking Plaintiffs' depositions especially with respect to their medical records, as well as Plaintiff Belete's deposition regarding other limited topics. It is critical that Defendants thoroughly review and analyze Plaintiffs' medical records to assess their claims for damages. Moreover, the parties are discussing dates for additional depositions to be taken during the month of March 2012.

During defendant True Manufacturing's Federal Rule of Civil Procedure rule 30(b)(6) deposition taken of defendant Coca-Cola on February 15, 2012, the parties discussed at length and all agreed that a meaningful and productive Settlement Conference will require more discovery to be completed by the Defendants and that this discovery and the analysis of the same cannot be completed in sufficient time prior to the March 8, 2012 Settlement Conference date for them to obtain the requisite settlement authority. The parties do not wish to waste the Court's valuable time or the opportunity to engage in a meaningful and productive Settlement Conference. Due to these unforseen circumstances and the good faith belief, based on Defendants' representations that additional discovery needs to be completed, the parties agree that a March 8, 2012 Settlement Conference date would, in all likelihood, result in an unproductive session.

The parties have contacted the clerk for Magistrate Judge Spero and have tentatively calendared April 5, 2012 at 9:00 a.m. as the date for the Settlement Conference, which is the earliest available date on Judge Spero's calendar agreeable to all parties. The parties are confident that sufficient discovery can be completed by April 5, 2012 to give the parties the greatest opportunity at a possible resolution. Therefore, the parties respectfully request that the date for completion of the Mandatory Settlement Conference be continued until April 6, 2012.

Pursuant to local rules, this document is being electronically filed through the Court's ECF System. In this regard, counsel for defendant hereby attests that (1) the content of this document is acceptable to all persons required to sign the document; (2) plaintiff's counsel has signed this document; and (3) the signed document is available for inspection upon request.

ALPER & McCULLOCH

DATED: February 22, 2012 By: /s/ DEAN ALPER

DEAN ALPER
Attorneys for Plaintiff
FARMERS INSURANCE EXCHANGE

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2			RIMAC MARTIN, P.C.
3	DATED: February 22, 2012	By:	/s/ Anna M. Martin
4			ANNA M. MARTIN Attorneys for Defendant
5			BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES (improperly sued herein as THE
6			COCA-COLA COMPANY)
7			COZEN O'CONNOR
8			COZEN O CONNOR
9	DATED: February 22, 2012	By:	/s/ DAVID BRISCO DAVID BRISCO
10			Attorneys for Plaintiff CNA INSURANCE COMPANY
11			CIVA INSURANCE COMI AIVI
12			WILSON, ELSER, MOSKOWITZ, EDELMAN,
13			& DICKER
14	DATED: February 22, 2012	By:	/s/ ERIC S. WONG
15		, .	ERIC S. WONG Attorneys for Defendant
16			TRUE MANUFACTURING
17			
18			LIBERSON & WOLFORD LLP
19			
20	DATED: February 22, 2012	By:	/s/ JASON N. WOLFORD
21			JASON N. WOLFORD Attorneys for Plaintiffs
22			ABAI ÅLEMU and ZAFU BELETE
23	IT IC CO OPPEDED		
24	IT IS SO ORDERED:		
25			
26 27	DATED: February <u>24</u> , 2012		By: Maline M. Chesney The Horlorable Maxine M. Chesney
28			UNITED STATES DISTRICT JUDGE
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