

1 B. James Fitzpatrick, Esq. (SBN: 129056)
 2 FITZPATRICK, SPINI & SWANSTON
 3 838 South Main Street, Suite E
 4 Salinas, California 93901
 5 Telephone: (831) 755-1311
 6 Facsimile: (831) 755-1319

7 Attorneys for Plaintiff

8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 11-5170 SI

11 WILFRIED DIETZ,

12 Plaintiff,

13 v.

14 TIN INC. WHICH WILL DO BUSINESS IN
 15 CALIFORNIA AS TEMPLE - INLAND
 16 INC., and DOES 1 to 50, inclusive,

17 Defendants.

Case No.: ~~CV-05170-SI~~

**STIPULATION TO VACATE CASE
 MANAGEMENT CONFERENCE;
 [PROPOSED] ORDER**

18 This stipulation is entered into between all of the parties to this lawsuit, to wit:

19 A. WILFRIED DIETZ (hereinafter "Plaintiff") by and through his attorney B. James
 20 Fitzpatrick;

21 B. TIN INC., dba TEMPLE - INLAND INC. (hereinafter "Defendant"), by and through their
 22 attorney, James R. Moss Jr.;

23 1. The matter has been set for a case management conference on January 20, 2012;

24 2. The matter was settled at mediation on December 7, 2011, and the parties are
 25 working on finalizing the agreement in writing;

26 3. The parties are in agreement to vacate the January 20, 2012, case management
 27 conference, and as such respectfully request that this Court vacate the hearing.
 28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: January 18, 2012

FITZPATRICK, SPINI & SWANSTON

By: /S/
B. James Fitzpatrick
Attorneys for Plaintiff
WILFRIED DIETZ

Dated: Jan. 19, 2012

PAYNE & FEARS, LLP

By: [Signature]
James R. Moss Jr., Esq.
Attorney for Defendant
TIN INC. dba TEMPLE - INLAND INC.

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED that the case management
CONTINUED TO 2/10/12 @ 2:30 P.M.
conference, currently set for January 20, 2012, be ~~taken off calendar.~~

Dated: 1/19/12

[Signature]
District Judge Susan Illston