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CON-FAB CALIFORNIA CORPORATION
6 BAY CITIES PAVING & GRADING, INC.

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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
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11 THE FORT MILLER CO., INC., a New York
corporation,

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13 Plaintiff,

14 vs.

15 CON-FAB CALIFORNIA CORPORATION, a
California corporation; BAY CITIES PAVING
16 & GRADING, INC., a California corporation,

17 Defendants.
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Case No. C 11-05473 CRB

**STIPULATION AND [PROPOSED]
ORDER CONTINUING THE INITIAL
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES**

STIPULATION

Defendants Con-Fab California Corporation and Bay Cities Paving & Grading, Inc. (collectively Defendants), and Plaintiff The Fort Miller Co., Inc., by and through their counsel, hereby stipulate as follows:

WHEREAS Plaintiff commenced this Action on November 10, 2011;

WHEREAS this case was initially assigned on November 10, 2011 to U.S. Magistrate Judge Grewal, who set an initial case management conference for December 27, 2011;

WHEREAS the December 27, 2011 case management conference before Judge Grewal and related deadlines were vacated on December 6, 2011 pending reassignment to a U.S. District Judge;

WHEREAS this case was later re-assigned to this Court on December 8, 2011;

WHEREAS on December 14, 2011 this Court set an initial case management conference for January 6, 2012;

WHEREAS counsel has a scheduling conflict with the January 6, 2012 case management conference date; and

WHEREAS the Court has already approved the parties' stipulated extension of time within which Defendants may file their Answer to January 20, 2012;

NOW THEREFORE, the parties have agreed, subject to the Court's approval, that the initial case management conference in this matter be continued to February 17, 2012 at 8:30a.m.

Pursuant to the Court's Order setting Case Management Conference, counsel shall meet and confer not less than thirty (30) days in advance of the conference and shall file a joint case management statement not less than seven (7) days in advance of the conference.

IT IS SO STIPULATED.

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1 DATED: December 21, 2011

KERR & WAGSTAFFE LLP

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3 By /s/
4 MICHAEL NG
5 Attorneys for Defendants
6 CON-FAB CALIFORNIA CORPORATION and
7 BAY CITIES PAVING & GRADING, INC.

8 DATED: December 21, 2011

FEINBERG DAY ALBERTI & THOMPSON LLP

9 By /s/
10 MARC BELLOLI
11 Attorneys for Plaintiff
12 THE FORT MILLER CO., INC.

13 **GENREAL ORDER 45 ATTESTATION**

14 I, Michael Ng, am the ECF User whose ID and password are being used to file this
15 Stipulation and [Proposed] Order. In compliance with General Order 45, X.B., I hereby attest
16 that Marc Belloli, Counsel for Plaintiff, has concurred in this filing.

17 DATED: December 21, 2011

KERR & WAGSTAFFE LLP

18 By: /s/
19 MICHAEL NG

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21 PURSUANT TO STIPULATION, IT IS SO ORDERED

22 DATED: DEC 23 2011

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26 HON. CHARLES R. BREYER
27 U.S. DISTRICT JUDGE