

1 WILLIAM R. TAMAYO -- #084965 (CA)  
 JONATHAN T. PECK -- #12303 (VA)  
 2 CINDY O'HARA -- #114555 (CA)  
 EQUAL EMPLOYMENT OPPORTUNITY  
 3 COMMISSION  
 San Francisco District Office  
 4 350 The Embarcadero, Suite 500  
 San Francisco, California 94105-1260  
 5 Telephone: (415) 625-5653

6 Attorneys for Plaintiff

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **NORTHERN DISTRICT OF CALIFORNIA**

11 **EQUAL EMPLOYMENT OPPORTUNITY**  
**COMMISSION,**

12 Plaintiff,

13 v.

14 **UNITED PARCEL SERVICE, INC.,**

15 Defendant.  
 16

Civil Action No. CV-12-04723 JSW

17 **STIPULATION AND REQUEST TO**  
**CONTINUE CASE MANAGEMENT**  
**DATES; DECLARATION OF CINDY**  
**O'HARA;**  
 18 ~~proposed~~  
**ORDER AS AMENDED**

17 **STIPULATION AND REQUEST**

18 The parties to this matter, by and through their counsel of record, hereby  
 19 stipulate and request that the case management dates currently in effect in this case be  
 20 continued for six weeks, to allow for the intervention of Talal Alfaour, who is the  
 21 charging party on whose behalf Plaintiff Equal Employment Opportunity Commission  
 22 (EEOC) filed its complaint. This request is made on the basis that Mr. Alfaour has  
 23 retained his own counsel who has informed Plaintiff EEOC that he intends to intervene  
 24 in the case, but needs the additional time to do so, and the parties believe that the best  
 25 and most efficient use of resources will be for all parties to have appeared in the case  
 26 prior to the filing of the joint case management statement and exchange of initial  
 27 disclosures (both currently due on January 25, 2013) and the case management  
 28 conference (currently set for February 1, 2013). This request is supported by the

1 attached Declaration of Cindy O'Hara.

2 The parties therefore request that the January 25, 2013 joint case management  
3 statement and initial disclosure date be continued to March 8, 2013 and the case  
4 management conference date be continued to March 15, 2013.

5 It is so stipulated.

6 E-filing concurrence: I, Cindy O'Hara, certify that I have obtained the concurrence of  
7 Brian Chun, as counsel for Defendant, for the filing of this stipulation.

8 Dated: January 15, 2013

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

9  
10 /S/

\_\_\_\_\_  
Cindy O'Hara  
Counsel for Plaintiff EEOC

11  
12 Dated: January 15, 2013

LAFAYETTE & KUMAGAI

13  
14 /S/

\_\_\_\_\_  
Brian Chun  
Counsel for Defendant United Parcel  
Service, Inc.

15  
16 **DECLARATION OF CINDY O'HARA**

17 I, Cindy O'Hara, declare:

18 1. I am an attorney at law, licensed to practice in the State of California, a  
19 senior trial attorney with Plaintiff EEOC, and an attorney of record for Plaintiff EEOC in  
20 the above captioned case.

21 2. I have been informed by attorney Andrew Agtagma, and Charging Party  
22 Talal Alfaour, on whose behalf Plaintiff EEOC filed the instant action, that Mr. Agtagma  
23 is representing Mr. Alfaour, and intends to request to intervene in this case. As Section  
24 2000e-5(f)(1) of Title VII of the Civil Rights Act of 1964, 42 U.S.C. §706(f)(1), provides  
25 that a charging party has a right to intervene in a case filed by the EEOC under Title VII,  
26 I presume that such intervention request will be successful.

27 3. On January 11, 2013, counsel for Defendant United Parcel Service, Inc. and  
28 I conferred and agreed that it would be to the benefit of the parties and the Court to

1 request to continue the current case management dates until after Mr. Alfaour has the  
2 opportunity to intervene in the case.

3 4. On January 14, 2013, I spoke with Mr. Alfaour's counsel, Mr. Agtagma,  
4 who informed me that he intends to request intervention in this matter within the next  
5 thirty (30) days.

6 5. The parties are therefore requesting that the case management dates be  
7 continue for six (6) weeks, to allow Mr. Alfaour to intervene, so that all parties will be  
8 present to prepare the joint case management statement, participate in initial  
9 disclosures, and participate in the case management conference.

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

11 Executed this 15<sup>th</sup> day of January, 2013, at San Francisco, California.

12  
13 \_\_\_\_\_ /S/

14 Cindy O'Hara

15 **ORDER**

16 The parties having stipulated, and good cause appearing therefore,

17 IT IS HEREBY ORDERED that the date for the case management conference is  
18 continued six (6) weeks, from February 1, 2013, to ~~March 15, 2013~~ March 29, 2013 at 1:30 p.m.  
19 date for initial disclosures and filing of the joint case management statement is  
20 continued from January 25, 2013 to ~~March 8, 2013~~ March 15, 2013

21 IT IS SO ORDERED.

22  
23 Dated: January 16, 2013

24   
United States District Court Judge