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TEXTER
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14 *Additional Counsel of Record listed on
following page.*

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 CARLITO MISA,
18 Plaintiff,
19 v.
20 THE PAPÉ GROUP, INC., PAPÉ
21 MATERIAL HANDLING, INC., MIKE
TEXTER, and DOES 1 through 100,
22 Defendants.
23

Case No. 12-CV-4934 CRB

**STIPULATED REQUEST TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE AND DEFENDANTS'
MOTION TO STRIKE REQUEST FOR
JURY TRIAL PURSUANT TO FEDERAL
RULE OF CIVIL PROCEDURE 81(C);
REQUEST BY PLAINTIFF FOR
TELEPHONIC APPEARANCE AT
INITIAL CASE MANAGEMENT
CONFERENCE; ORDER**

Current Hearing Date: January 18, 2013
Proposed Hearing Date: January 25, 2013

Complaint Filed: August 22, 2012

CASE NO. 12- CV-4934 CRB

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17 CARLITO MISA

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1 Defendants The Pape Group, Inc., Pape Material Handling, Inc., and Mike Texter
2 (collectively “Defendants”) and Plaintiff Carlito Misa (“Plaintiff”) (collectively “Parties”), hereby
3 stipulate and request as follows:

4 On January 4, 2013, the parties requested the initial Case Management Conference be
5 continued from Friday, January 11, 2013 at 8:30 a.m. until Friday, January 25, 2013 at 8:30 a.m.

6 On January 7, 2013, the Court issued an Order continuing the Case Management Conference
7 to Friday, January 25, 2013 at 8:30 a.m. but issued a notice continuing the hearing to Friday, January
8 18, 2013 at 10:00 a.m.

9 On January 8, 2013, the Court issued an Amended Order continuing the hearing to Friday,
10 January 18, 2013 at 10:00 a.m., consistent with the notice issued on January 7, 2013. Under the
11 Northern District of California, Local Rule 16-10, lead trial counsel must attend the initial case
12 management conference. However Defendants’ lead trial counsel, Gregory G. Iskander and Stephen
13 Tedesco, will be unable to attend the Case Management Conference scheduled on Friday, January
14 18, 2013.

15 Also pending on January 18, 2013 at 10:00 a.m. is Defendants’ Motion to Strike Request for
16 Jury Trial Pursuant to Federal Rule of Civil Procedure 81(c) (“Motion to Strike”). Defendants’
17 Motion to Strike is unopposed. Should oral argument be necessary, Defendants’ counsel, Alison
18 Cubre, will argue the motion.

19 Given the unavailability of Defendants’ lead trial counsel on Friday, January 18, 2013, the
20 parties have agreed to continue, subject to the Court’s approval, the initial Case Management
21 Conference to **Friday, January 25, 2013 at 10:00 a.m.** in order for lead trial counsel to appear
22 pursuant to the Local Rules. For the convenience of this Court and the parties, the parties have also
23 agreed to continue, subject to the Court’s approval, Defendants’ Motion to Strike to **Friday,**
24 **January 25, 2013 at 10:00 a.m.**

25 Plaintiff’s lead trial counsel, Peter Dion-Kindem, requests to appear telephonically at the
26 initial Case Management Conference and Motion to Strike hearing because he presently resides in
27 the greater Los Angeles area and the cost and expense to appear in person at the Case Management
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1 Conference and Motion to Strike hearing would be significant. Defendants do not oppose Plaintiff's
2 counsel's request to appear telephonically.

3 **IT IS SO STIPULATED.**

4 I, the filer of this document attest that all other signatories listed, and on whose behalf the
5 filing is submitted, concur in the filing's content and have authorized the filing.

6
7 Dated: January 8, 2013

Respectfully submitted,

8 /s/ Gregory G. Iskander

9 STEPHEN C. TEDESCO
10 GREGORY G. ISKANDER
11 ALISON CUBRE
12 ALEXIS A. SOHRAKOFF
13 LITTLER MENDELSON, P.C.

Attorneys for Defendants
THE PAPÉ GROUP, INC., PAPÉ
MATERIAL HANDLING, INC. AND MIKE
TEXTER

14 Dated: January 8, 2013

Respectfully submitted,

15
16 /s/ Peter R. Dion-Kindem

17 PETER R. DION-KINDEM
18 THE DION-KINDEM LAW FIRM
19 PETER R. DION-KINDEM, P. C.
20 ATTORNEYS FOR PLAINTIFF
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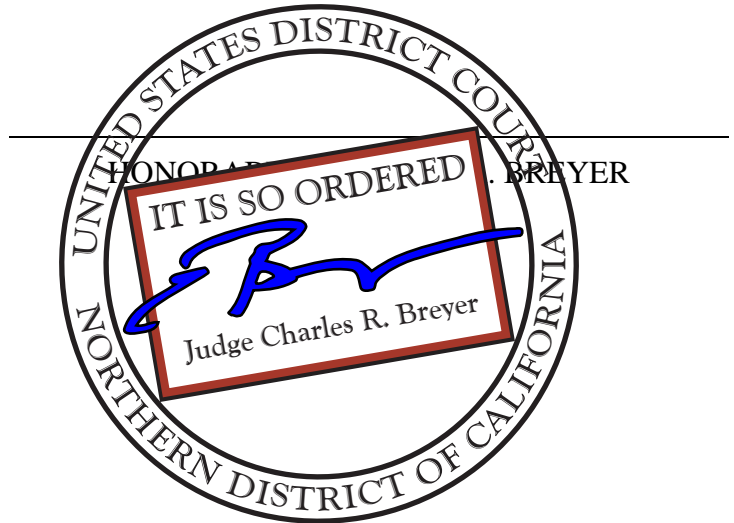
ORDER

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2 For good cause, the parties' request to continue the initial Case Management Conference and
3 hearing on Defendants' Motion to Strike Request for Jury Trial Pursuant to Federal Rule of Civil
4 Procedure 81(c) from Friday, January 18, 2013, to **Friday, January 25, 2013 at 10:00 a.m.** is
5 **GRANTED.**

6 Further, the request by Plaintiff's lead trial counsel, Peter Dion-Kindem, to appear
7 telephonically at the Case Management Conference and Motion to Strike hearing is **GRANTED.**

8 IT IS SO ORDERED.

9 Dated: January 10, 2013



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