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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION
 18

19 LEOPOLDO PENA MENDOZA, ELVIZ
 SANCHEZ and JOSE ARMANDO CORTES,

20 Plaintiff,

21 v.

22 FONSECA MCELROY GRINDING CO.
 23 INC. an GRANITE ROCK COMPANY,

24 Defendants.
 25

Case No: 15-CV-05143-WHO

**STIPULATION TO CONTINUE INITIAL
 CMC DUE TO COUNSEL'S
 UNAVAILABILITY**

1 Plaintiffs LEOPOLDO PENA MENDOZA, ELVIZ SANCHEZ and JOSE ARMANDO
2 CORTES and Defendant GRANITE ROCK COMPANY through their attorneys of record
3 hereby submit the following stipulation.

4 1. The Court set the Initial Case Management Conference for February 16,
5 2016 at 2:00 p.m. Docket 12;

6 2. Plaintiffs' counsel Tomas E. Margain is unavailable that day as he
7 scheduled and paid for a family vacation and will not return until February 18, 2016. The only
8 other attorney in counsel's office, Huy Tran is not available and also not familiar with or
9 involved in the case. Plaintiffs' counsel can appear by phone in the event the Court would like
10 the Case Management Conference to continue as scheduled and would grant the request to
11 appear by phone.; and

12 3. Counsel for the parties are available for a Case Management at 2:00 pm on
13 the following Tuesdays: February 23, 2016 and March 6, 2016.

14 Dated: February 3, 2016

//s// Tomas E. Margain

15

TOMAS MARGAIN
16 Counsel for Plaintiffs

17 Dated: February 3, 2016

//s// Paul V. Simpson

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PAUL V. SIMPSON
19 SIMPSON, GARRITY, INNES & JACUZZI
20 Counsel for Defendant

21 **ORDER**

22 Based on GOOD CAUSE shown and upon the stipulation of the parties, the Court orders
23 as follows:

24 The Case Management Conference set for February 16, 2016 at 2:00 pm in Courtroom 2,
25 17th Floor, 450 Golden Gate is continued to 2/23/2016 in the same courtroom.

Dated: February 26, 2016



WILLIAM H. ORRICK

UNITED STATES DISTRICT COURT JUDGE