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 9 IN THE UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

13 **WILLIAM KAPPELMAN,**
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 Petitioner,
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 v.
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CALIFORNIA UNEMPLOYMENT
INSURANCE APPEALS BOARD,
PATRICK HENNING, Director,
Employment Development Department, and
EMPLOYMENT DEVELOPMENT
DEPARTMENT,,
 19
 20 Respondents.

Case No. 3:18-cv-03104-RS

STIPULATION AND ~~[PROPOSED]~~
ORDER CONTINUING HEARING ON
MOTION TO DISMISS AND
CONTINUING CASE MANAGEMENT
CONFERENCE

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1 Pursuant to Rule 7-12 and 16-2(e) of the Northern District of California Local Rules,
2 Petitioners and Respondents, through their counsel of record, hereby stipulate as follows:

3 (1) Respondents' motion to dismiss is set to be heard on November 8, 2018 at 1:30 p.m.

4 (2) A case management conference is set for November 29, 2018 at 11:00 a.m.

5 (3) Counsel for Respondents is unexpectedly unavailable from October 26, 2018 until
6 November 2, 2018 and on November 8, 2018. Foremost, counsel is unavailable during this time
7 because a discovery dispute in another matter, *I.N. v. Kent*, 3:18-cv-03099-WHA, resulted in an
8 October 23, 2018 Court order in the matter which requires the parties to complete several
9 depositions in one week. In the same case, another order from a magistrate judge set a
10 settlement conference on November 2, 2018. Moreover, another deposition had already been
11 scheduled on November 6, 2018, again in the same matter, and cannot be moved. In short, the
12 events in this other matter have overwhelmed Respondents' counsel's calendar for the last week
13 of October and the first week of November.

14 (4) The parties, through their counsel of record, have met and conferred, and based on that,
15 stipulate that the hearing on Respondents' motion to dismiss be continued to **December 6, 2018**
16 **at 1:30 p.m.** The parties further stipulate that Petitioners' brief in opposition to the pending
17 motion to dismiss will be filed and served no later than November 8, 2018, and Respondents'
18 brief in reply to the opposition will be filed and served no later than November 21, 2018. The
19 parties further stipulate that the case management conference be continued to **December 20, 2018**
20 **at 11:00 a.m.**, with telephonic appearances, and that the joint case management conference
21 statement shall be filed no later than December 13, 2018.

22 IT IS SO STIPULATED.

23 Dated: October 26, 2018

/s/ Carolyn O. Tsai
Carolyn O. Tsai
Attorney for Respondents

25 Dated: October 26, 2018

/s/ Veronica Kontilis
Veronica Kontilis
Attorney for Petitioner

1 Having considered the above stipulation of the parties, and for good cause shown, the hearing for
2 Respondents' motion to dismiss, currently set for November 8, 2019, is continued to December 6,
3 2018 at 1:30 p.m., and the case management conference currently set for November 29, 2018 is
4 continued to December 20, 2018 at 11:00 am., with telephonic appearances. The joint case
5 management conference statement shall be filed no later than December 13, 2018.

6 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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8 Dated: 10/29/18


The Hon. Richard Seeborg

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10 * All parties shall appear telephonically and must contact Court Conference at
11 (866) 582-6878 at least one week prior to the Conference to arrange their
12 participation
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