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 7 VALERO REFINING COMPANY-CALIFORNIA  
 and VALERO MARKETING AND SUPPLY COMPANY  
 8

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 OAKLAND DIVISION

12 \_\_\_\_\_ )  
 13 PETROLEUM SALES, INC., )  
 )  
 14 Plaintiff, )  
 )  
 15 vs. )  
 )  
 16 VALERO REFINING COMPANY- )  
 CALIFORNIA, VALERO MARKETING )  
 17 AND SUPPLY COMPANY, and DOES 1 )  
 through 20, )  
 18 )  
 Defendants. )  
 19 \_\_\_\_\_ )

No. C-05-3526 SBA

STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING DEADLINE  
FOR COMPLETION OF  
SETTLEMENT CONFERENCE

20  
 21 Plaintiff PETROLEUM SALES, INC. and Defendants VALERO REFINING  
 22 COMPANY-CALIFORNIA and VALERO MARKETING AND SUPPLY COMPANY  
 23 (the "Parties"), through their respective counsel, hereby jointly request that the Court  
 24 extend the deadline for the parties to participate in a mandatory Settlement Conference in  
 25 this matter.

26 On January 6, 2006, this Court entered its Order for Pretrial Preparation in this  
 27 action ordering the Parties to participate in a mandatory settlement conference by  
 28 December 22, 2006, among other things. See Order for Pretrial Preparation, Dkt. 20. The

1 Parties are currently scheduled to participate in a Settlement Conference before the  
2 Honorable Magistrate Judge Chen on December 14, 2006.

3 On October 27, 2006, Defendants filed a motion for summary judgment in this  
4 matter. The motion is scheduled to be heard on December 19, 2006 – four days after the  
5 Settlement Conference. On November 8, 2006, the parties participated in a court-sponsored  
6 mediation. While no agreement was reached at the mediation, the parties agreed to further  
7 explore potential settlement options.

8 The Parties believe that it would be more productive to recommence their settlement  
9 discussions after the December 19 hearing on Defendants’ motion for summary judgment.  
10 For the foregoing reason, the Parties respectfully request that this Court extend the deadline  
11 to participate in a mandatory Settlement Conference until January 19, 2007. The parties  
12 have contacted Magistrate Judge Chen’s chambers and have been advised that the proposed  
13 new date is available.

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1 Dated: December 8, 2006.

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8 By \_\_\_\_\_ /s/  
9 Robert C. Phelps

10 Attorneys for Defendants  
11 VALERO REFINING COMPANY-  
12 CALIFORNIA and VALERO MARKETING  
13 AND SUPPLY COMPANY.

14 Dated: December 8, 2006.


15 DANE J. DURHAM  
16 12989 Occidental Road  
17 Sebastopol, CA 95472

18 By \_\_\_\_\_ /s/  
19 Dane J. Durham

20 Attorney for Plaintiff  
21 PETROLEUM SALES, INC.

22 Based upon the representations of counsel herein and good cause appearing, it is  
23 hereby ORDERED that the deadline for the Parties to participate in a Settlement  
24 Conference be extended to January 19, 2007.

25 Dated: 12-11-\_\_\_\_, 2006.

26 By \_\_\_\_\_   
27 Hon. Sandra Brown Armstrong  
28 United States District Court Judge