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10 UNITED STATES DISTRICT COURT  
 11 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 12 OAKLAND DIVISION

13 DAVID WALLACE,	)	Case No. C 07-03238 CW
	)	
14 Plaintiff,	)	<b>STIPULATION RE: CASE</b>
	)	<b>MANAGEMENT DEADLINES; ORDER</b>
15 v.	)	
	)	
16 KIEWIT PACIFIC CO., INC.	)	
	)	
17 Defendant.	)	
	)	

18  
 19 Upon recommendation by the Court, Plaintiff DAVID WALLACE, *In Pro Per*, and  
 20 Defendant KIEWIT PACIFIC CO., INC., by and through its attorneys of record, have met and  
 21 conferred regarding rescheduling the (1) Settlement Conference; (2) Plaintiff's Deposition; (3)  
 22 Dispositive Motion Hearing date; and (4) the parties' case management conference date. The  
 23 parties HEREBY STIPULATE TO THE FOLLOWING:

24 1. The Settlement Conference is currently scheduled for January 29, 2009. Plaintiff  
 25 David Wallace is not available to attend the Settlement Conference in person on January 29,  
 26 2009. The parties therefore agree to a continuance of the Settlement Conference to **February**  
 27 **24, 2009** at 9:30 a.m., Courtroom C, 15th Floor, Federal Building, 450 Golden Gate Avenue, San  
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Stipulation Regarding Case Management Deadlines/ Case No. C 07-03238 CW

1 Francisco, California 94102. By stipulating to this continuance, the parties agree that all parties  
2 will attend the Settlement Conference in person on February 24, 2009.

3 2. Plaintiff's deposition is currently scheduled for January 30, 2009. The parties  
4 agree to a continuance of Plaintiff's deposition date to **February 25, 2009** with a new deposition  
5 notice to be sent by Defendant following the Court's adoption of this stipulation. The parties  
6 further stipulate that the deposition will continue day-to-day until completed.

7 3. Pursuant to the Court's October 8, 2008 Minute and Case Management Order,  
8 March 26, 2009 is (1) the date of the parties next case management conference; and (2) last date  
9 for dispositive motions to be heard. The parties hereby request that the date be continued to **May**  
10 **21, 2009**, or on the first available date thereafter, to allow the parties to complete Plaintiff's  
11 deposition and prepare a dispositive motion in accordance with the Federal Rules of Civil  
12 Procedure, Local Rules of Court and Judge Wilkin's Orders. Plaintiff reserves the right to  
13 request to appear telephonically at the May 21, 2009

14 4. Defendant requests that the dates for completion of fact discovery and expert  
15 discovery be continued as follows:

- 16 a. Completion of Fact Discovery: **May 29, 2009.**
- 17 b. Disclosure of identities and reports of expert witnesses: **July 15, 2009.**
- 18 c. Completion of Expert Discovery: **August 15, 2009.**

19 Plaintiff does not wish to be bound by these recommended dates because he may retain an  
20 attorney, works out of town, and may be unable to abide by recommended timelines.

21 DATED: January \_\_\_\_\_, 2009

SEYFARTH SHAW LLP

22  
23 By \_\_\_\_\_  
24 Mark S. Ross  
25 Laura J. Maechtlen  
26 Attorneys for Defendant  
27 KIEWIT PACIFIC CO., INC.

26 DATED: January \_\_\_\_\_, 2009

PLAINTIFF DAVID WALLACE

27 By \_\_\_\_\_  
28 David Wallace  
*In Pro Per*

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**ORDER**

**IT IS HEREBY ORDERED** that:

The deadline to complete the Magistrate Judge Settlement Conference continued to **February 24, 2009**.

Plaintiff's deposition will be continued to **February 25, 2009** with a new deposition notice to be sent by Defendant following the Court's adoption of this stipulation.

The (1) date of the parties next case management conference; and (2) last date for dispositive motions to be heard is continued to **May 21, 2009**.

The dates for completion of fact discovery and expert discovery be continued as follows:

- a. Completion of Fact Discovery: May 29, 2009.
- b. Disclosure of identities and reports of expert witnesses: July 15, 2009.
- c. Completion of Expert Discovery: August 15, 2009.

Date: 1/26/09



\_\_\_\_\_  
HON. CLAUDIA WILKEN  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA

4 DAVID WALLACE,

5 Plaintiff,

6 v.

7 KIEWIT PACIFIC CO. et al,

8 Defendant.

9 Case Number: CV07-03238 CW

10 **CERTIFICATE OF SERVICE**

11  
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on January 26, 2009, I SERVED a true and correct copy(ies) of the attached, by placing  
15 said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by  
16 depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office  
17 delivery receptacle located in the Clerk's office.

18 David Wallace  
19 General Delivery  
20 Honolulu, HI 96820

21 Dated: January 26, 2009

22 Richard W. Wieking, Clerk  
23 By: Sheilah Cahill, Deputy Clerk  
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