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9 Attorneys for the Plaintiff
 10 ELAINE L. CHAO, Secretary of Labor
 11 UNITED STATES DEPARTMENT OF LABOR

12 UNITED STATES DISTRICT COURT
 13
 14 NORTHERN DISTRICT OF CALIFORNIA

15	ELAINE L. CHAO, Secretary of Labor,)	Civil Case No. C 08-4854 PJH
16	UNITED STATES DEPARTMENT OF LABOR,)	
17)	
18	Plaintiff,)	REQUEST/STIPULATION OF
19)	PARTIES TO CONDUCT CASE
20	v.)	MANAGEMENT CONFERENCE BY
21)	TELEPHONE
22	ZENITH CAPITAL LLC, a California business)	
23	entity; RICK LANE TASKER, an individual;)	
24	MICHAEL GREGORY SMITH, an individual;)	
25	and MARTEL JED COOPER, an individual,)	
26)	
27	Defendants.)	
28)	

29 Pursuant to Local Rules 7-12 and 16-10, the parties hereby request that the Court hold a
 30 telephonic Case Management Conference in this matter and permit all counsel to participate in
 31 the Case Management Conference by telephone. The Case Management Conference in this case
 32 is scheduled for January 29, 2009, at 2:30 p.m., in Courtroom 3, 17th Floor, Federal Building,
 33 450 Golden Gate Avenue, San Francisco, California.

34 The fiscal year 2009 budget for the United States Department of Labor has not been
 35 passed by Congress and the Department is currently operating under a Continuing Resolution.
 36 As a result of the Continuing Resolution and its effect on the Department's ability to fund its
 37

1 operations, the Department is using its best efforts to manage costs whenever possible, including
2 the costs and expenses associated with federal employee travel.

3 Because of their pre-existing familiarity with the factual issues and with the parties,
4 Defendants retained counsel whose office is in San Diego, California. Defendants must also use
5 their best efforts to manage costs, including those related to travel.

6 Allowing the Case Management Conference to proceed by telephone would allow all
7 parties to avoid the expenses associated with their attorneys traveling to San Francisco for the
8 Case Management Conference. Counsel for the Secretary would be happy to undertake the
9 necessary arrangements for a telephonic Case Management Conference should the Court grant
10 the parties' request.

11
12
13 Dated:

By: Wayne R. Berry
Attorney signing

15 WAYNE R. BERRY
16 ROBIN SPRINGBERG PARRY
17 Attorneys for Plaintiff
18 ELAINE L. CHAO, Secretary of Labor,
19 UNITED STATES DEPARTMENT OF LABOR
20

21
22 Dated:

By: Douglas A. Dubé
Attorney signing

23 A. DANIEL BACALSKI, JR.
24 DOUGLAS A. DUBÉ
25 Attorneys for Defendants
26 ZENITH CAPITAL, LLC., RICK LANE TASKER,
27 MICHAEL GREGORY SMITH, and
28 MARTEL JED COOPER



THE CASE MANAGEMENT CONFERENCE WILL BE
HELD AT 1:30 P.M. COUNSEL SHALL INITIATE
THE CALL.

CERTIFICATE OF SERVICE

I hereby certify that on January 9, 2009 a copy of the foregoing Request/Stipulation Of Parties To Conduct Case Management Conference By Telephone was filed electronically. Pursuant to General Order No. 45, Section IX.A, notice of this filing will be sent to all parties via the Court's electronic filing system. A copy of the foregoing will also be served on A. Daniel Bacalski, Esq. by facsimile. Parties may access this filing through the Court's electronic filing system.



Wayne R. Berry
Senior Trial Attorney