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 KIM MUNIZ

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 OAKLAND DIVISION

22 KIM MUNIZ,
 23 Plaintiff,
 24 vs.
 25 UNITED PARCEL SERVICE, INC., a
 corporation and DOE 1 through DOE 20,
 26 inclusive,
 27 Defendant.

CASE NO. CV-09-1987 CW

**JOINT STIPULATION TO (1) PERMIT
 PRIVATE MEDIATION; (2) CONTINUE
 DEADLINE TO FILE PRETRIAL
 MATERIALS; AND (3) CONTINUE
 PRETRIAL CONFERENCE; ORDER (AS
 MODIFIED)**

1 WHEREAS, in the Court's July 16, 2010 Order Denying Plaintiff's Motion for
2 Leave to File an Amended Complaint and Granting in Part and Denying in Part Defendant's
3 Motion for Summary Judgment ("Summary Judgment Order"), Docket No. 56, at page 30, the
4 Court referred the parties to Magistrate Judge Donna Ryu for a settlement conference;

5 WHEREAS the parties have agreed that private mediation with a particular private
6 mediator, Mark Rudy, might be most productive;

7 WHEREAS the earliest date that the parties were able to schedule for the
8 mediation was August 27, 2010;

9 WHEREAS the parties have scheduled and confirmed the mediation with Mr.
10 Rudy for August 27, 2010;

11 WHEREAS the parties are currently scheduled to submit their pretrial filings on
12 August 24, 2010 (three days prior to the scheduled and confirmed mediation) pursuant to the
13 Court's Order for Pretrial Preparation section 3;

14 WHEREAS the parties are currently scheduled to appear for the pretrial
15 conference on September 7, 2010 pursuant to the Court's August 21, 2009, Minute Order;

16 WHEREAS submitting the pretrial conference materials on August 24, 2010
17 would require the parties to engage in significant pretrial preparation prior to the mediation,
18 which may fully resolve the case;

19 WHEREAS continuing the pretrial conference and the accompanying filing
20 deadlines for the pretrial filings until after the mediation would save significant resources should
21 the case be resolved at mediation;

22 WHEREAS the parties would have sufficient time to prepare, exchange, meet and
23 confer regarding, and file the various pretrial filings listed in section 3 of the Court's Order for
24 Pretrial Preparation (along with demonstratives) after the mediation if the pretrial conference was
25 continued to September 14, 2010, and the deadline to file the pretrial materials listed in section 3
26 of the Court's Order for Pretrial Preparation (along with demonstratives) was continued to
27 September 10, 2010;

28 WHEREAS the parties are available to attend a pretrial conference on September

1 14, 2010 at 2:00 pm;

2 IT IS HEREBY STIPULATED by and between the parties hereto, through their
3 respective counsel, and subject to Court approval, that:

4 1. The parties proceed through private mediation, rather than conducting an
5 additional settlement conference before Magistrate Judge Ryu;

6 2. The deadline to file the pretrial conference materials described in the
7 Court's Order for Pretrial Preparation section 3, along with potential demonstratives, be
8 continued from August 24, 2010 to September 10, 2010; and

9 3. The pretrial conference set for September 7, 2010 pursuant to the Court's
10 August 21, 2009 Minute Order be continued until September 14, 2010.

11
12 DATED: August 4, 2010

PAUL, HASTINGS, JANOFSKY & WALKER LLP

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14 By: _____ /s/ Ryan C. Hess
15 RYAN C. HESS

16 Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

17 DATED: August 4, 2010

THE JAFFE LAW FIRM

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19 By: _____ /s/ Stephen R. Jaffe
20 STEPHEN R. JAFFE

21 Attorneys for Plaintiff
KIM MUNIZ

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ORDER

Pursuant to the parties' August 4, 2010 stipulation, and good cause appearing, it is ordered that:

1. The parties may proceed through private mediation, rather than conducting an additional settlement conference before Magistrate Judge Ryu;

2. The deadlines to file the pretrial conference materials listed in the Court's Order for Pretrial Preparation section 3, along with potential demonstratives, be continued from August 24, 2010 to September 10, 2010 **at noon**;

3. The pretrial conference set by the Court's August 21, 2009 Minute Order for September 7, 2010 at 2:00 p.m. be continued until September 14, 2010 at 2:00 p.m.

IT IS SO ORDERED.

DATED: 8/5/2010



HON. CLAUDIA WILKEN
Judge, U.S. District Court