

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

3  
4 KIMBERLEY ROSS,

No. C 09-06107 CW

5                                    Plaintiff,

ORDER DENYING

6                                    v.

PARTIES'

7 GLOBAL WINE COMPANY and JOHN DAVIS,

STIPULATED

REQUEST TO

CONTINUE TRIAL

8                                    Defendants.  
9 \_\_\_\_\_/

DATE

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11                    A seven-day jury trial is scheduled to begin on May 31, 2011  
12 at 8:30 a.m. This trial date was set on April 27, 2010.

13                    The parties have filed a stipulated request to continue the  
14 trial date to the week of July 5, 2011. They point to trials in  
15 which their counsel are involved. However, the state court docket  
16 sheet in Froncillo v. Contemporary Services Corporation, Case No.  
17 CGC-08-483611 (S.F. Super. Ct.), the case which Defendant Global  
18 Wine Company's counsel is also litigating, indicates that the  
19 parties in that action agreed on February 10, 2011 to continue the  
20 trial date to May 2, 2011. Thus, Defendant's counsel knew at the  
21 time the Froncillo trial was continued that there could be a  
22 conflict with the long-standing trial date in this action.

23 Further, the parties in Froncillo estimated that trial would last  
24 approximately four to ten days; by the Froncillo parties' estimate,  
25 that trial should be complete before the trial in this action  
26 begins. Plaintiff Kimberley Ross's counsel does not state the name  
27 of the other case in which he is involved, whether the trial date  
28 in that action was set before the date in this action or when the

1 other trial is expected to end.

2 The parties do not establish good cause for their requested  
3 continuance. Even if they did, their proposed trial date is not  
4 available, as stated on the Court's public calendar.

5 Accordingly, the parties' stipulated request is DENIED.

6 IT IS SO ORDERED.

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8 Dated: May 13, 2011



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CLAUDIA WILKEN  
United States District Judge

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