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10 Attorneys for Defendant  
 11 MIRANT SERVICES, LLC,

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 13  
 14 IN THE UNITED STATES DISTRICT COURT  
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 ELISE F. DAL BIANCO,  
 17 Plaintiff,  
 18 v.  
 19 MIRANT SERVICES, LLC, LISA  
 BATTLES, employee and agent of Mirant  
 20 Services, LLC; MIKE MONTANY,  
 employee and agent of Mirant Services,  
 21 LLC; and Does 1-10, inclusive.  
 22 Defendants.

Case No.: C 10-01696 PJH  
 (San Francisco County Superior Court  
 Case No.: CGC 10-497342)

**STIPULATION TO CONTINUE THE  
 INITIAL CASE MANAGEMENT  
 CONFERENCE; PROPOSED ORDER**

Complaint Filed: March 2, 2010  
 Trial Date: None

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1 Plaintiff Elise F. Dal Bianco and Defendant Mirant Services, LLC, by their respective  
2 counsel, submit their Stipulation to Continue the Initial Case Management Conference in this  
3 matter from July 29, 2010 until September 9, 2010, or to another date convenient to the Court,  
4 and in support of this Stipulation state as follows:

5 1. On March 2, 2010, Plaintiff filed her Complaint in this matter in the San  
6 Francisco County Superior Court .

7 2. Defendants Mirant Services, LLC, Lisa Battles, and Mike Montany were served  
8 with a copy of the Complaint and summons through Notice and Acknowledgement effective  
9 March 22, 2010.

10 3. Mirant Services, LLC, filed its notice of removal to this Court on April 20,  
11 2010.

12 4. The motion to dismiss filed by defendants Lisa Battles and Mike Montany was  
13 granted on June 9, 2010.

14 5. The parties request a continuance of the Initial Case Management Conference,  
15 currently set for July 29, 2010, because the parties are in the final stages of negotiating a  
16 settlement of this matter, and with the expectation that this matter will be dismissed before the  
17 continued Case Management Conference. Counsel for the parties anticipate that they will be  
18 able to reach a resolution within the next 7 to 10 days, and anticipate that a request for  
19 dismissal will be filed within 30 to 40 days thereafter.

20 6. This Stipulation is not being submitted for the purpose of undue delay or for any  
21 improper purpose.

22  
23 WHEREFORE, Plaintiff Elise F. Dal Bianco and Defendant Mirant Services, LLC,  
24 respectfully submit their Stipulation requesting the continuance of the Initial Case Management  
25 Conference from July 29, 2010, until September 9, 2010, or another date convenient to the  
26 Court, with the expectation that this matter will be dismissed before the continued Case  
27 Management Conference.

1 IT IS SO STIPULATED:

2 DATED: July 13, 2010

FISHER & PHILLIPS LLP

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By: /s/ Jennifer K. Achtert

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Jennifer K. Achtert

Attorneys for Defendant

MIRANT SERVICES, LLC

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In accordance with General Order No. 45, Rule X, the above signatory attests that  
8 concurrence in the filing of this document has been obtained from the signatory below.

9

10 DATED: July 13, 2010

LAW OFFICE OF PATRICE R. ZABELL

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By: /s/ Patrice R. Zabell (as authorized 7/13/2010)

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Patrice R. Zabell

Attorneys for Plaintiff

ELISE F. DAL BIANCO

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**ORDER**

This matter having come before the Court on the parties' **STIPULATION TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE**, the Initial Case Management Conference in this matter is continued from July 29, 2010, at 2:00 p.m., until September 9, 2010, at 2:00 p.m.

IT IS SO ORDERED.

Dated: 7/16/10

