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9 Attorneys for Plaintiff  
 MICHAEL WELLS

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 12 **UNITED STATES DISTRICT COURT**  
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14	MICHAEL WELLS,	)	CASE NO. C 10-03926 CW (JL)
15		)	
16	Plaintiff,	)	<b>STIPULATION AND PROPOSED</b>
17	vs.	)	<b>ORDER CONTINUING THE TRIAL</b>
18	PENSKE TRUCK LEASING	)	<b>DATE AND HEARING ON</b>
19	CORPORATION, PENSKE TRUCK	)	<b>DEFENDANT'S MOTION FOR</b>
20	LEASING LLC, and DOES 1-25,	)	<b>SUMMARY JUDGMENT AND THE</b>
21	Defendants.	)	<b>CASE MANAGEMENT</b>
		)	<b>CONFERENCE</b>
		)	Trial Date: October 3, 2011
		)	

22 Plaintiff Michael Wells, by and through his counsel, hereby requests that the Court  
 23 continue the hearing on defendant's Motion for Summary Judgment in this matter and the Case  
 24 Management Conference by 42 days to August 25, 2011, and to revise the related briefing  
 25 schedule as set forth more fully herein. Defendants' Motion for Summary Judgment and the Case  
 26 Management Conference are both currently set for July 14, 2011. The new Trial date will be  
 27 February 6, 2012, the new Pre-Trial date will January 23, 2012.

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1 Good cause exists for continuing these matters because plaintiff's counsel Stephen M.  
2 Murphy and June Bashant, both have scheduled short vacations during the time period in which  
3 the plaintiff's opposition is due. Moreover, plaintiff's counsel Stephen M. Murphy also has  
4 depositions in other cases scheduled during this period that will make it difficult to draft and file  
5 opposition papers in a timely manner.

6 Defendants Penske Truck Leasing Co., L.P., erroneously sued as Penske Truck Leasing,  
7 LLC, and Penske Truck Leasing Corporation have agreed to stipulate to this continuance provided  
8 a convenient date for their reply brief is selected, as counsel have pre-scheduled vacations out of  
9 the country during the end of July that would not have interfered with the current briefing  
10 schedule. If the court does not adopt the proposed timing of the stipulated briefing schedule as set  
11 forth herein, Defendants withdraw their stipulated agreement, as Defendants do not wish to and  
12 cannot draft the reply brief during their vacations.

13 This is the second request for a continuance of any dates in this matter. The first request  
14 was initiated by defense counsel due to the departure of lead counsel from the defense firm. This is  
15 the first request for a continuance of any dates initiated by plaintiff.

16 The current dates and proposed dates on calendar are as follows:

- 17 1. Trial Date:
  - 18 Current: October 3, 2011
  - 19 Proposed: February 6, 2012
- 20 2. Pre-Trial Conference:
  - 21 Current: September 20, 2011
  - 22 Proposed: January 23, 2012
- 23 3. Non-Expert Discovery Cut-Off:
  - 24 Current: June 30, 2011
- 25 4. Status Conference and Dispositive Motion Hearing Date
  - 26 Current: July 14, 2011
  - 27 Proposed: August 25, 2011

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5. Proposed Briefing Schedule for Defendant's Motion for Summary Judgment or in the alternative Summary Adjudication.

Plaintiff's current opposition filing date: June 23, 2011

Plaintiff's Proposed opposition filing date: July 7, 2011

Defendant's current Reply filing date: June 30, 2011

Proposed Reply filing date: August 11, 2011

6. Expert Disclosures:

Current: August 2, 2011

7. Expert Discovery Cut-Off:

Current: August 23, 2011


DATED: June 21, 2011

KELLY, HOCKEL & KLEIN P.C. JONATHAN

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ALLEN KLEIN  
LAURA J. CLARK  
Attorneys for Defendants  
PENSKE TRUCK CORPORATION and PENSKE  
TRUCK LEASING CO., L.P.

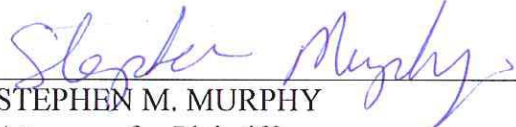
DATED: June 21, 2011

ROUDA, FEDER, TIETJEN & MCGUINN

  
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JUNE BASHANT  
Attorneys for Plaintiff  
MICHAEL WELLS

DATED: June 21, 2011

LAW OFFICE OF STEPHEN M. MURPHY

  
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STEPHEN M. MURPHY  
Attorneys for Plaintiff  
MICHAEL WELLS

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5. Proposed Briefing Schedule for Defendant's Motion for Summary Judgment or in the alternative Summary Adjudication.

Plaintiff's current opposition filing date: June 23, 2011

Plaintiff's Proposed opposition filing date: July 7, 2011

Defendant's current Reply filing date: June 30, 2011

Proposed Reply filing date: August 11, 2011

6. Expert Disclosures:

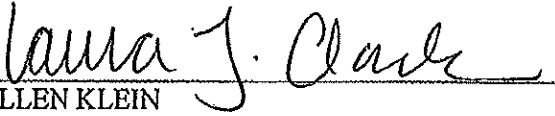
Current: August 2, 2011

7. Expert Discovery Cut-Off:

Current: August 23, 2011

DATED: June 21, 2011

KELLY, HOCKEL & KLEIN P.C. JONATHAN



ALLEN KLEIN  
LAURA J. CLARK  
Attorneys for Defendants  
PENSKE TRUCK CORPORATION and PENSKE  
TRUCK LEASING CO., L.P.

DATED: June 21, 2011

ROUDA, FEDER, TIETJEN & MCGUINN

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JUNE BASHANT  
Attorneys for Plaintiff  
MICHAEL WELLS

DATED: June 21, 2011

LAW OFFICE OF STEPHEN M. MURPHY

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STEPHEN M. MURPHY  
Attorneys for Plaintiff  
MICHAEL WELLS

1 [PROPOSED] ORDER

2 BASED ON THE FOREGOING, IT IS HEREBY ORDERED THAT THE  
3 FOLLOWING DEADLINES ARE RESCHEDULED AS FOLLOWS:

- 4 1. The new Trial date is **February 6, 2012.**
- 5 2. The new Pre-Trial Conference date is **January 23, 2012.**
- 6 3. Plaintiff's Opposition to Defendants' Motion for Summary Judgment filing date:  
7 **July 7, 2011;**
- 8 4. Defendants' Reply Brief in Support of Defendants' Motion for Summary Judgment  
9 filing date: **August 11, 2011;**
- 10 5. Status Conference: **August 25, 2011;**
- 11 6. Dispositive Motions: **August 25, 2011;** and
- 12 7. Defendants' Motion for Summary Judgment or In the Alternative Summary  
13 Adjudication is hereby rescheduled to **August 25, 2011.** Defendants' do not need to re-notice this  
14 Motion.

15 ALL OTHER DATES WILL REMAIN ON CALENDAR AS SCHEDULED.

16  
17 DATED: 6/23/2011

  
18 THE HONORABLE CLAUDIA WILKEN