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United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

Granite Rock Co.,  
Plaintiff,  
v.  
Teamsters Local 287, et al.,  
Defendants.

NO. C 04-02767 JW

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SCHEDULING MOTIONS HEARING**

This case is scheduled for a Case Management Conference on September 12, 2011. Pursuant to the Federal Rules of Civil Procedure and the Local Rules of this Court, the parties duly conferred and submitted a Joint Case Management Statement. (See Docket Item No. 424.) In the Statement Defendant International states that it will file a Motion by the end of October asking the Court to find that Plaintiff abandoned any and all contractual claims that it could have pleaded against Defendant International and thus nothing remains before this Court to litigate. Id. Accordingly, Defendant International asks that no further action be taken with regards to this case until the Court rules on the anticipated Motion. Defendant Teamsters Local 287 states that it intends to file a petition for certiorari to the Unites State Supreme Court seeking review of the Ninth Circuit’s ruling in this case and asks that the Court takes no further action until the Supreme Court addresses the petition. Id.

Upon review, the Court finds that a hearing should be set to consider the Motion by Defendant International. Further, the Court finds that is it not necessary to stay this action pending the result of the anticipated petition for certiorari; any party can move for a stay in the event that

1 certiorari is granted. Accordingly, the Court VACATES the September 12 Case Management  
2 Conference. The Court sets **December 12, 2011 at 9 a.m.** as a hearing date for Defendant  
3 International's anticipated Motion to Dismiss. Defendant International shall notice and brief its  
4 Motion in accordance with the Civil Local Rules of the Court.

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Dated: September 7, 2011



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JAMES WARE  
United States District Chief Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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15 **Dated: September 7, 2011**

**Richard W. Wieking, Clerk**

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**By:           /s/ JW Chambers**

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**Susan Imbriani**

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**Courtroom Deputy**

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