Kenney & Markowitz L.L.P.

1 2 3 4 5 6 7 8	STEPHAN E. KYLE (SBN 158075) JENNIFER M. JOAQUIN (SBN 197109) KENNEY & MARKOWITZ L.L.P. 255 California Street, Suite 1300 San Francisco, CA 94111 Telephone: (415) 397-3100 Facsimile: (415) 397-3170 Attorneys for Defendant US AIRWAYS, INC. UNITED S	STATES DISTRICT	SO ORDERED S MODIFIED Judge James Ware		
9	SAN JOSE DIVISION – ECF PROGRAM				
10					
11	JEANNE LOVELESS,	CASE NO. C-0	08-02444 JW		
12	Plaintiff,	STIPULATIO	STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF		
13	v.		10/08 SCHEDULING		
14	U.S. AIRWAYS, INC.,	ORDER			
15	Defendants.				
16 17 18 19 20	It is hereby stipulated and agreed by and between all parties and their attorneys of record that the dates set forth in the Court's December 10, 2008 Scheduling Order be continued a follows:				
21		Original Date	Proposed Date		
22	Preliminary Pre-Trial Conference	April 24, 2009	September 21, 2009		
23	Statements (Due 10 days before conference)				
24	Preliminary Pre-Trial Conference	May 4, 2009	August 31, 2009		
25	(30 days before the Close of All Discovery)				
26	L/D for Hearing Dispositive Motions (60 days before the Close of All Discovery)	August 3, 2009	July 31, 2009		
27	Close of All Discovery	June 1, 2009	October 1, 2009		
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1	There are very compelling reasons for the requested continuance:			
2	1. Plaintiff did not provide US Airways with its full initial disclosures until March 13,			
3	2009.			
4	2. The parties are set to participate in Mediation with Court-Appointed mediator			
5	Jamie L. Dupree on April 29, 2009.			
6	3. The parties are participating in the Mediation in good faith and are holding off on			
7	initiating formal discovery, including the noticing of plaintiff's deposition, until it			
8	is determined whether an early resolution of this matter is possible.			
9	4. If an early resolution of this matter does not occur at the Mediation, the parties will			
10	need until October 1, 2009, to complete all discovery, as this case involves two			
11	incidents and two sets of US Airways flight crew located across the country, in			
12	addition to multiple health care providers. Further, this case will require significant			
13	expert discovery.			
14				
15	SO STIPULATED.			
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17	DATED: April 15, 2009 LAW OFFICES OF DEMARTINI & LODGE			
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19	By: /s/ Aaron Lodge AARON LODGE			
20	Attorneys for Plaintiff JEANNE LOVELESS			
21				
22	DATED: April 15, 2009 KENNEY & MARKOWITZ L.L.P			
23	By: /s/ Jennifer M. Joaquin			
24	By: <u>/s/ Jennifer M. Joaquin</u> STEPHAN E. KYLE JENNIFER M. JOAQUIN			
25	Attorneys for Defendant US AIRWAYS, INC.			
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1	*** ORDER ***				
2	Based on the parties' representation, the Court finds good cause to modify the Court's				
3	December 10, 2008 Scheduling Order. However, the Court finds that the 120 day extension				
4	proposed by the parties excessive and thus modifies the schedule as follows:				
5		Original Date	Modified Date		
6	Preliminary Pre-Trial Conference	April 24, 2009	June 26, 2009		
7	Statements (Due 10 days before conference) Preliminary Pre-Trial Conference (30 days before the Close of All Discovery)	11,2111 2 1, 2009	ounc 20, 2009		
8		May 4, 2009	July 6, 2009 at 11 a.m.		
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10	L/D for Hearing Dispositive Motions (60 days before the Close of All Discovery)	August 3, 2009	September 14, 2009 at 9 a.m.		
11		June 1, 2000			
12	Close of All Discovery	June 1, 2009	August 7, 2009		
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14	D . 1 . 4 . 11.20 . 2000	Q	all has		
15	Dated: April 28, 2009	JAN UNITED STATES	IES WARE DISTRICT COURT JUDGE		
16		UNITEDISTATES	DISTRICT COURT JUDGE		
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