

1 KASSRA P. NASSIRI (215405)
 knassiri@nassiri-jung.com
 2 D. AUSTIN HARE (261694)
 ahare@nassiri-jung.com
 3 NASSIRI & JUNG LLP
 251 Kearny Street, Suite 501
 4 San Francisco, CA 94108
 Telephone: (415) 373-5699
 5 Facsimile: (415) 534-3200

6 Attorneys for Defendants

7
 8 UNITED STATES DISTRICT COURT
 9 FOR THE
 10 NORTHERN DISTRICT OF CALIFORNIA
 11

12 ALVARO OSORIO and JESUSITA ZARATE
 13 CARRENO, individually and on behalf of
 others similarly situated,

14 Plaintiffs,

15 vs.

16
 17 DIVAD TRAN dba COM TAM DAT THANH
 RESTAURANT, and
 18 DOES 1-10,

19 Defendants.

Case No. CV 08-04007 HRL

**STIPULATION TO EXTEND TIME
 TO COMPLETE MEDIATION AND
 [PROPOSED] ORDER MODIFYING
 THE CASE MANAGEMENT
 SCHEDULING ORDER
 ACCORDINGLY**

Judge: Honorable Howard R. Lloyd

Action Filed: August 21, 2008

Trial Date: September 21, 2009

20
 21
 22
 23 WHEREAS on January 20, 2009, this Court issued a Case Management Scheduling
 24 Order setting April 13, 2009, as the last day for the parties to complete Court-sponsored
 25 mediation, (*see* Case Mgmt. Sched. Order at 1);

26 WHEREAS Plaintiffs Alvaro Osorio and Jesusita Zarate Carreno (“Plaintiffs”) and
 27 Defendants Divad Tran and Com Tam Dat Thanh Restaurant (“Defendants”) agreed to have
 28 mediation before Mediator Teresa V. Carey (*see* Stip. & Order Selecting ADR Process at 1-2);

STIP. EXTEND TIME TO COMPLETE MEDIATION AND [PROPOSED] ORDER MODIFYING CASE MGMT.
 SCHED. ORDER ACCORDINGLY
 CASE No.: CV 08-04007 HRL

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

WHEREAS the only stipulated request for order changing time pursuant to Rule 6-2 of the Civil Local Rules of the Northern District of California continued the hearing date for Defendants' Initial Case Management Conference, *see* N.D. Cal. Civ. R. 6-2; (Stip. Continue Initial Case Mgmt. Conf. at 1-2);

WHEREAS Plaintiffs and Defendants attempted to schedule a mediation in early April before Mediator Carey but learned that she was not available during those times when the parties were available;

WHEREAS the next available date on Mediator Carey's calendar on which the parties and their counsel are available to begin mediation is April 30, 2009;

WHEREAS the rescheduling of the mediation to April 30, 2009, shall in no way interfere with the progress of discovery or other aspects of the litigation and shall bear no impact upon any of the other dates set forth in this Court's Case Management Order, (*see* Case Mgmt. Sched. Order at 2);

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

THEREFORE, pursuant to Civil Local Rule 6-2, the parties stipulate to an extension of time to complete mediation from April 13, 2009, to May 29, 2009. *See* N.D. Cal. Civ. R. 6-2. In addition, pursuant to Rule 16(a)(4) of the Federal Rules of Civil Procedure, the parties respectfully request that the Court modify its Case Management Scheduling Order, changing the date by which mediation must be completed from April 13, 2009, to May 29, 2009. *See* Fed. R. Civ. P. 16(a)(4); (Case Mgmt. Scheduling Order at 1).

Respectfully submitted,

DATED: April 13, 2009

Adam Wang
LAW OFFICES OF ADAM WANG

By: /s/ Adam Wang
Adam Wang

Attorneys for Plaintiffs
ALVARO OSORIO
JESUSITA ZARATE CARRENO

DATED: April 13, 2009

Kassra P. Nassiri
D. Austin Hare
NASSIRI & JUNG LLP

By: 
D. Austin Hare

Attorneys for Defendants
DIVAD TRAN
COM TAM DAT THANH RESTAURANT


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Pursuant to the stipulation, and good cause appearing, this Court hereby **GRANTS** the parties' request and **MODIFIES** the deadline to complete mediation as set forth in the January 20, 2009 Case Management Scheduling Order from April 13, 2009, to May 29 ____, 2009.

IT IS SO ORDERED.

DATED: 4/14/09



Hon. Howard R. Lloyd
United States Magistrate Judge