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6 Attorneys for Defendant, BIG 5 CORP. erroneously sued and served as Big 5
7 Sporting Goods Corporation

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

11 THERESA WALLEN,
12 Plaintiff,

13 vs.

14 BIG 5 SPORTING GOODS
15 CORPORATION, BERRY RONNIE,
16 and Docs 1 - 10,
17 Defendant.

CASE No. C09 04563 PVT

11 STIPULATION FOR
12 CONTINUANCE OF INITIAL
13 CASE MANAGEMENT
14 CONFERENCE

Action Filed: September 28, 2009

18 The parties apologize for the delay in filing the Rule 26(f); complete initial disclosures; or
19 to state objection in Rule 26(f) and file Case Management Statement; and to file ADR
20 Certification and either Stipulation to ADR Process or Notice of Need for ADR Phone
21 Conference.

22 The parties, in good faith, anticipated settlement of this matter but have since learned the
23 landlord has failed and/or refused to participate in the resolution at this time. Accordingly, Big 5
24 Corp. must now file a cross-complaint against landlord and is preparing one as this stipulation is
25 being filed. As a result, all the parties will not have been served and/or have answered at the
26 hearing scheduled on February 9, 2010. This matter will not be effectively "at issue" on
27 February 9, 2010.
28

1 Therefore, the parties respectfully request a continuance of the hearing and the time to file
2 the Rule 26(f); complete initial disclosures; or to state objection in Rule 26(f) and file Case
3 Management Statement; and to file ADR Certification and either Stipulation to ADR Process or
4 Notice of Need for ADR Phone Conference.

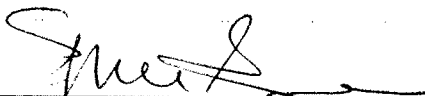
5 Big 5 anticipates a resolution will be forthcoming once a cross-complaint is filed and
6 respectfully requests the Court grant an additional two month extension to April 9, 2010, in which
7 to prepare papers and meet and confer to resolve this matter in order to preserve judicial resources
8 and minimize attorneys fees and costs.

9 Again, the parties respectfully apologize for any delay or inconvenience this may cause the
10 Court and its staff.

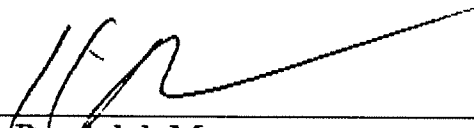
11 The parties hereby stipulate to the request for a continuance.

12 IT IS SO STIPULATED.
13

14 DATED: MUSICK, PEELER & GARRETT LLP

15
16 By: 
17 Shireen B. Rogers
18 Attorneys for Defendant, BIG 5 CORP.

19 DATED: MOORE LAW FIRM, PC

20
21 By: 
22 K. Randolph Moore
23 Attorneys for Plaintiff, Theresa Wallen
24

25 IT IS SO ORDERED.

26
27 DATED: February 4, 2010 BY: 
28 Patricia V. Trumbull
United States Magistrate Judge

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF ORANGE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of Orange, State of California. My business address is 650 Town Center Drive, Suite 1200, Costa Mesa, California 92626-1925.

On February 3, 2010, I served true copies of the following document(s) described as **STIPULATION FOR CONTINUANCE OF INITIAL CASE MANAGEMENT CONFERENCE** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Musick, Peeler & Garrett LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

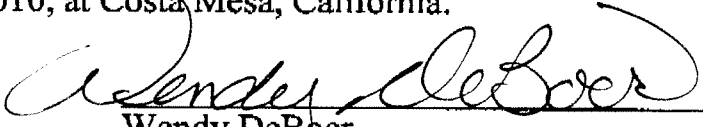
BY FAX TRANSMISSION: I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The telephone number of the sending facsimile machine was 714-668-2490. No error was reported by the fax machine that I used.

BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based upon the Court's order for mandatory e-filing, I provided the documents listed above electronically to the Court's website and thereon to those parties on the Service List maintained by that website by submitting an electronic version of the documents to the Court's website. The documents are deemed filed and served on the date that they were uploaded to the Court's website.

BY FEDEX: I enclosed said document(s) in an envelope or package provided by FedEx and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of FedEx or delivered such document(s) to a courier or driver authorized by FedEx to receive documents.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 3, 2010, at Costa Mesa, California.


Wendy DeBoer

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SERVICE LIST

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