

****E-filed May 24, 2010****

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Attorneys for Defendants

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

JASMIN CARDOZA

Plaintiff

v.

GENMOR PLUMBING, INC. and GENARO
DELGADILLO MORALES

Defendant(s)

Case No.: C 10-01021 HRL

**STIPULATION REQUESTING AN
ORDER CHANGING AND EXTENDING
TIME; DECLARATION OF TOMAS
MARGAIN; ~~PROPOSED~~ ORDER**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Local Rules 6-1(b), 6-2, and 7-12, Plaintiff JASMIN CARDOZA and Defendants GENMOR PLUMBING, INC. and

**STIPULATION AND ORDER
CONTINUING INITIAL CMC**

1 GENARO DELGADILLO MORALES (collectively, "Defendants") submit the following
2 stipulation.

3 Plaintiff and Defendants agree and stipulate to a continuance of the Initial Case
4 Management Conference set for June 8, 2010 and an enlargement of time for Rule 26 and Case
5 Management obligations. This is done as the parties have scheduled a mediation on May 27,
6 2010 and the continuance will allow the parties to first attempt to resolve their dispute. As the
7 mediation falls after the deadlines for the exchanges and submissions, this accommodation is
8 requested by stipulation.

9 The enlargement of time will alter events and/or deadlines fixed by this Court in its
10 March 10, 2010 Order setting the initial case management conference and ADR deadlines and
11 May 3, 2010 continuing the Initial CMC to June 8, 2010. The parties, therefore, respectfully
12 request an Order Changing and Extending Time for the reasons stated in the declaration of
13 Tomas Margain filed concurrently herewith. This continuance and extension is sought as the
14 parties are going to mediation on May 27, 2010 and the parties want to attempt to resolve the
15 matter prior to filing a Joint Case Management Statement and exchanging Rule 26 disclosures.

16 It is Stipulated that the initial Case Management Conference be continued 21 days and
17 the Rule 26 deadlines be also continued 21 days.

18
19 Dated: May 18, 2010 Caitlin E. Kaufman
SWEENEY, MASON, WILSON & BOSOMWORTH

20 By: //s// Caitlin E. Kaufman
21 Caitlin E. Kaufman
22 Attorneys for Defendants

23 Dated: May 17, 2010 Tomas Margain
24 DAL BON & MARGAIN, APC
25 By: //s// Tomas Margain
Tomas Margain
Attorneys for Plaintiff

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ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that the events and/or deadlines set in the Court's Order, dated March 10, 2010, shall be changed and extended to:

(1) June 8, 2010 shall be the last day to:

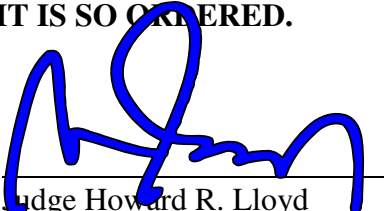
- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plans
- file ADR Certification signed by Parties and Counsel
- file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

(2) June 15, 2010 shall be the last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement

(3) The Initial Case Management Conference in Courtroom 2, in the San Jose Courthouse will be set for June 29, 2010 at 1:30 p.m..

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: May 24 2010



Judge Howard R. Lloyd
United States Magistrate Judge

DECLARATION OF TOMAS E. MARGAIN

I, Tomas E. Margain, declare:

1. I am an attorney admitted to practice before the United States District Court, and Plaintiff’s attorney of record in this action. I have personal knowledge of the facts set forth herein and could testify competently thereto.

Reasons for Requested Enlargement Pursuant to Local Rule 6-2(a)(1)

2. My client, Defendants and Defendants’ counsel have scheduled an early mediation session with Koorosh Afshari for May 27, 2010. This is not Court sponsored mediation but private mediation.

3. From my perspective, my client agreed with early mediation as I feel that I have undertaken sufficient investigation to perform my due diligence. I have also used Mr. Afshari in the past and in fact my partner and I have successfully mediated to matters with Defendants’ counsel’s firm using Mr. Afshari on two occasions last year. This early mediation will help the parties’ asses their respective cases and attempt to resolve this matter before a substantial expense of attorneys’ fees.

4. By agreeing to modify the deadlines, this will significantly cut down on attorneys’ fees. Defendants have provided me with enough records to asses the claim. However, complying with the initial disclosures and drafting a joint management statement will drive up fees which would not be reasonable if the matter settles on May 27, 2010.

5. Given the above, the proposed deadlines allow the parties to attempt to resolve this matter and either inform the Court of the settlement or be able to comply with the deadlines prior to the Initial CMC in a timely manner.

Previous Time Modifications Pursuant to Local Rule 6-2(a)(2)

6. There have been no previous time modifications in the case by stipulation however, the Court continued the Initial CMC from June 1, 2010 to the current June 8, 2010 date.

1 Effect of Requested Time Modification

2 7. The requested time modification will extend the events and/or deadlines set in this
3 Court's March 10, 2010 order re initial case management and ADR deadlines. This modification
4 will accommodate the parties desire to try to settle this matter on May 27, 2010.

5 8. I declare under penalty of perjury under the laws of the United States of America
6 that the foregoing is true and correct.

7 Dated: May 17, 2010

//s// Tomas E. Margain

Tomas E. Margain