

**** E-filed June 10, 2010 ****

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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 currently set for June 29, 2010 and an enlargement of time for Rule 26
5 and Case Management obligations.

6 This is the second such request as the Court initially granted a 30 day continuance by
7 Stipulation and order on May 24, 2010.

8 This is done as the parties held a productive mediation on May 27, 2010 and during the
9 mediation agreed to an informal exchange of documents and evidence in the form of video tape
10 statements and scheduled a subsequent mediation on July 7, 2010. As the mediation falls after
11 the deadlines for the exchanges and submissions, this accommodation is requested by stipulation.

12 The enlargement of time will alter events and/or deadlines fixed by this Court. The
13 parties, therefore, respectfully request an Order Changing and Extending Time for the reasons
14 stated in the declaration of Tomas Margain filed concurrently herewith. This continuance and
15 extension is sought as the parties are going to a second mediation and the parties want to attempt
16 to resolve the matter prior to filing a Joint Case Management Statement and exchanging Rule 26
17 disclosures.

18 It is stipulated that the initial Case Management Conference be continued 58 days and the
19 Rule 26 deadlines be also continued 58 days.

20
21 Dated: June 3, 2010 Caitlin E. Kaufman
SWEENEY, MASON, WILSON & BOSOMWORTH

22 By: //s// Caitlin E. Kaufman
23 Caitlin E. Kaufman
24 Attorneys for Defendants

25 Tomas Margain

1 Dated: June 3, 2010

DAL BON & MARGAIN, APC

2 By: //s// Tomas Margain

Tomas Margain

3 Attorneys for Plaintiff

4 **DECLARATION OF TOMAS E. MARGAIN**

5
6 I, Tomas E. Margain, declare:

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

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

11 2. My client, Defendants and Defendants' counsel held an early mediation session
12 with Koorosh Afshari on May 27, 2010. This is not Court sponsored mediation but private
13 mediation paid by the parties to expedite the resolution.

14 3. From my perspective, we had a very productive mediation session. Because
15 mediation sessions are confidential and this Court will hear the matter if not resolved, I want to
16 provide limited detail to justify the basis for our request. The mediation session ended with
17 counsel meeting with the mediator in which it was agreed that Plaintiff's counsel would provide
18 videotaped witness statements and credit card statements if they could be gathered. Without
19 ascribing any admission of wrongdoing by Defendants, it was felt that this information would
20 help clarify the work hours of Plaintiff which is a hotly contested issue.

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

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

25 5. There has been one previous time modification extending the deadlines 21 days
after the Court continued the Initial CMC from June 1, 2010 to the current June 8, 2010 date.

1 Effect of Requested Time Modification

2 6. 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 by July 7, 2010.

5 7. 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: June 3, 2010

//s// Tomas E. Margain

Tomas E. Margain

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) July 13, 2010 shall be the last day to:

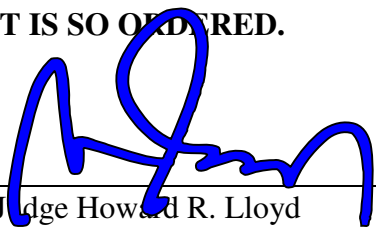
- meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plans
- file ADR Certification signed by Parties and Counsel
- file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference

(2) August ~~19~~¹⁷, 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 August ~~26~~²⁴, 2010 at 1:30 p.m..

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: June 10 2010



Judge Howard R. Lloyd
United States Magistrate Judge