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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE COURTHOUSE**

ERIC ANTHONY DEL REAL, an individual,

Plaintiff,

v.

STARBUCKS, INC., a Washington corporation; and DOES 1 to 50, inclusive,

Defendants.

Case No. 5:12-cv-00770 EJD

~~PROPOSED~~ ORDER ON JOINT STIPULATION TO CONTINUE MEDIATION, EXPERT DESIGNATION CUT-OFF DEADLINE

Complaint Filed: December 29, 2011

[Lodged concurrently with Joint Stipulation and Supporting Declaration of Sarah E. Hernandez]

~~PROPOSED~~ ORDER

Please take notice that on October 9, 2012, the Joint Stipulation entered into by and among PLAINTIFF ERIC ANTHONY DEL REAL (“Del Real” and/or “Plaintiff”) and DEFENDANT STARBUCKS, INC. (“Starbucks” and/or “Defendant”), by and through their respective counsel, and supporting Declaration of Plaintiff’s counsel Sarah E. Hernandez, came before this Court for review, the Honorable Edward J. Davila presiding.

Pursuant to the Joint Stipulation and accompanying Declaration, the Court takes note of the following facts:

- 1 1. Plaintiff filed his Complaint on or around December 29, 2011, in Monterey
2 County Superior Court of the State of California, alleging causes of action
3 for sexual discrimination and wrongful termination, as well as related
4 causes of action;
- 5 2. This matter was removed to federal court on or around February 17, 2012;
- 6 3. this matter was reassigned to this District Court on or around April 20,
7 2012;
- 8 4. This Court issued a Case Management Order on August 20, 2012, ordering
9 the parties to designate experts on or by November 1, 2012, and to
10 complete mediation on or by November 19, 2012;
- 11 5. the parties have since agreed to mediate this matter with mediator Nikki
12 Tolt, which mediation was originally scheduled to take place on October
13 12, 2012;
- 14 6. Plaintiff's counsel Sarah E. Hernandez has since started trial in one other
15 matter on October 1, 2012, and she has a second matter scheduled to begin
16 on October 15, 2012, such that she will be unable to attend mediation in
17 this matter until these trials' conclusion;
- 18 and
- 19 7. There have been no prior continuance requests in this matter.

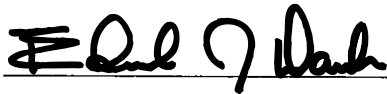
20 After full consideration of the evidence and the authorities submitted by counsel,
21 and all pleadings and papers on file in this action, and upon such other matters as were
22 presented to the Court, the Court hereby rules as follows:

- 23 1. The parties' Mediation Cut-Off Deadline shall be moved thirty (30)
24 calendar days from November 19, 2012, to December 19, 2012.
- 25 2. The parties' Expert Designation Cut-Off Deadline shall be moved forward
26 from November 1, 2012, to January 18, 2013, which is thirty (30) calendar
27 days after the new mediation cut-off deadline.

28 //

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2
3 Dated: October 10, 2012

By: 

4 THE HONORABLE EDWARD J. DAVILA
5 U.S. DISTRICT COURT JUDGE

6
7 Respectfully submitted by:

8 Keith A. Fink, Bar No. 146841
9 Sarah E. Hernandez, Bar No. 206305
10 FINK & STEINBERG
11 Attorneys at Law
12 11500 Olympic Boulevard, Suite 316
13 Los Angeles, California 90064
14 Telephone: (310) 268-0780
15 Facsimile: (310) 268-0790

16 Attorneys for Plaintiff
17 ERIC ANTHONY DEL REAL

18 Gregory W. Knopp, Bar No. 237615
19 Gloria C. Jan, Bar No. 165440
20 Christopher K. Petersen, Bar No. 260631
21 AKIN GUMP STRAUSS HAUER & FELD LLP
22 2029 Century Park East, Suite 2400
23 Los Angeles, CA 90067

24 Attorneys for Defendant
25 STARBUCKS, INC.
26
27
28

1 **PROOF OF SERVICE**

2 **STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

3 I am employed in the County of Los Angeles, State of California. I am over the
4 age of 18 and not a party to the within action; my business address is: 11500 W.
Olympic Boulevard, Suite 316, Los Angeles, California, 90064.

5 On October 5, 2012, I served the document described as **[PROPOSED] ORDER**
6 **ON JOINT STIPULATION TO CONTINUE MEDIATION, EXPERT**
7 **DESIGNATION CUT-OFF DEADLINE** all interested parties in this action as
follows:

8 by placing the original true copies thereof enclosed in sealed envelopes
addressed as follows:

9 Gregory K. Knopp
10 Gloria C. Jan
11 Christopher K. Petersen
12 AKIN GUMP STRAUSS HAUER &
FELD LLP
2029 Century Park East, Suite 2400
Los Angeles, CA 90067

13 (BY MAIL) As follows: I am "readily familiar" with the firm's practice for
14 collection and processing correspondence for mailing. Under that practice it
15 would be deposited with the U.S. Postal Service on that same day with postage
16 thereon fully prepaid at Los Angeles, California in the ordinary course of
business. I am aware that on motion of the party served, service is presumed
invalid if postal cancellation date or postage meter date is more than one day
after date of deposit for mailing in affidavit.

17 (BY PERSONAL SERVICE) I delivered such envelope by hand to the offices of
18 the addressee.

19 (BY FACSIMILE) Using fax number (310) 268-0790 I transmitted such
20 document by facsimile machine, pursuant to California Rules of Court 2001 et
21 seq. The facsimile machine complied with Rule 2003(3). The transmission was
reported as complete. I caused the machine to print a transmission report of the
transmission, a copy of which is attached to this declaration. I am employed in
the County of Los Angeles, State of California.

22 (STATE) I declare under penalty of perjury under the laws of the State of
23 California that the above is true and correct.

24 (FEDERAL) I declare that I am employed in the office of a member of the bar of
25 this court at whose direction the service was made.

26 Dated: October 5, 2012

27 
Heather Silldorff