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9
10 **IN THE UNITED STATES DISTRICT COURT**
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 _____)
13 UNITED STATES POSTAL SERVICE,) Case No. 16-cv-4815-WHA
14)
15 Plaintiff,)
16 v.)
17 CITY OF BERKELEY)
18 Defendant.) **STIPULATED REQUEST**
19) **TO CONTINUE CASE**
) **MANAGEMENT CONFERENCE**
) No hearing scheduled
20 _____)

21 Pursuant to Local Rule 6-2, the parties hereby respectfully request that the Court continue
22 the case management conference currently scheduled for December 1, 2016, until December 22,
23 2016, the date of the hearing on the Defendant’s Motion to Dismiss, ECF No. 11 (“the
24 Defendant’s Motion”).

25 **RECITALS**

- 26 1. On August 22, 2016, the Plaintiff filed its Complaint. *See* ECF No. 1.
27 2. The Defendant filed its Motion to Dismiss on October 27, 2016. *See* ECF No. 11.

1 3. On November 3, 2016, the parties submitted a stipulated request asking the Court
2 to extend the deadlines for the briefing on Defendant's Motion. *See* ECF No. 14 at 1. The
3 parties explained that the Plaintiff had requested the extension because the press of deadlines in
4 other matters would render it difficult for undersigned counsel to prepare Plaintiff's response by
5 the then-existing deadline. *See id.* at 2. Accordingly, Plaintiff sought, and Defendant consented
6 to, an extension of the deadline for Plaintiff's response to Defendant's Motion until December 8,
7 2016. *See id.*

8 4. In their November 3, 2016, stipulation, the parties also sought a corresponding
9 extension for the Defendant's reply in support of its Motion, as well as a continuance of the
10 hearing on the Defendant's Motion. *See id.* However, the parties did not seek to continue the
11 Case Management Conference, which was then on the calendar for December 1, 2016. *See id.* at
12 2 n.2.

13 5. On November 4, 2016, the Court granted in part the stipulated request, setting the
14 due date for Plaintiff's response on December 1, 2016, and the due date for Plaintiff's reply on
15 December 8, 2016. *See* Order, ECF No. 15 at 1. The Court also set the hearing on the
16 Defendant's Motion for December 22, 2016. *Id.*

17 6. Pursuant to the Supplemental Order to Order Setting Initial Case Management
18 Conference in Civil Cases Before Judge William Alsup, the parties' case management statement
19 must be submitted at least seven calendar days before the case management conference. *See*
20 ECF No. 10 at 2. In this case, seven calendar days before the case management conference
21 would be November 24, 2016, the date of the Thanksgiving holiday; thus, the case management
22 statement would need to be completed by November 23, 2016.

23 7. Undersigned counsel for the Plaintiff regrets that, due to the press of other
24 litigation matters discussed in the parties' previous stipulation, as well as a death in counsel's
25 family which required counsel to travel across the country for a funeral during the preceding
26 week, counsel has had little opportunity to focus adequately on the matters that would allow the
27 parties to present a thorough and thoughtful case management statement by November 23, 2016.

1 8. In light of these circumstances, the parties respectfully request that the Court
2 continue their case management conference currently scheduled for December 1, 2016, until
3 December 22, 2016, when the parties will be appearing for the hearing on the Defendant's
4 Motion. This would allow the parties until December 15, 2016, to work together to prepare their
5 case management statement, and would also permit a more efficient use of the Court's and the
6 parties resources by consolidating two separate appearances by the parties into a single date.

7 9. The parties have not previously sought a continuance of the case management
8 conference, and the requested continuance will not affect other deadlines currently on the
9 calendar in this case.

10 **STIPULATION**

11 Pursuant to Local Rule 6-2, the parties hereby respectfully request that the case
12 management conference currently scheduled for December 1, 2016 be continued until December
13 22, 2016, the date of the hearing on the Defendant's Motion to Dismiss.

14
15 Dated: November 23, 2016

Respectfully submitted,

16 /s/ Zach Cowan
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18 *Pursuant to Local Civil Rule 5-1(i)(3), I, Julia Berman, attest that I obtained the concurrence of
19 Zach Cowan in the filing of this document.

20 I declare under penalty of perjury under the laws of the United States of America that the
21 foregoing is true and correct.

22 Dated: November 23, 2016

23 /s/ Julia Berman
24 JULIA A. BERMAN, Bar No. 241415
25 Trial Attorney

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 10 **IN THE UNITED STATES DISTRICT COURT**
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)	
UNITED STATES POSTAL SERVICE,)	Case No. 16-cv-4815-WHA
)	
Plaintiff,)	
)	
v.)	
)	
CITY OF BERKELEY)	
)	
Defendant.)	
)	[PROPOSED] ORDER

20
 21 Pursuant to the parties' stipulated request, the case management conference currently
 22 scheduled for December 1, 2016 shall be continued until December 22, 2016, the date of the
 23 hearing on the Defendant's Motion to Dismiss.

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25
 26
 27 Dated: _____, 2016

 Hon. William H. Alsup
 United States District Judge