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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

11 ANTHONY LERMA, ) No. 5:10-CV-04895-PSG  
12 Plaintiff, )  
13 vs. )  
14 A BITE OF WYOMING, INC., et al., )  
15 Defendants. )  
16 )  
17 )

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18 WHEREAS, the Case Management Conference in this matter is currently set for  
19 January 10, 2012;

20 WHEREAS, a mediation pursuant to General Order 56 in this matter is set for January  
21 11, 2012;

22 WHEREAS, Plaintiff Anthony Lerma (“Plaintiff”) and Defendants A Bite of  
23 Wyoming (“Bite of Wyoming”), S. Max Spurgeon and Esperanza Spurgeon, Trustees of the  
24 Spurgeon Living Trust (“Spurgeons”) (Defendants Bite of Wyoming and Spurgeons are  
25 collectively referred to as “Defendants” and, together with Plaintiff, the “Parties”) believe that  
26 both Court resources and attorney time and costs will be most effectively utilized if the Parties  
27 are given an opportunity to settle this matter through mediation prior to attending and  
28 preparing for a case management conference;

REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE; ~~[PROPOSED]~~ ORDER

1           **NOW, THEREFORE**, the Parties respectfully request that the Court continue the case  
2 management conference to a date after February 10, 2012 in order to afford the Parties the  
3 opportunity to reach a settlement through mediation.

4 Dated: December 21, 2011

MOORE LAW FIRM, P.C.

8 Dated: December 21, 2011

6           /s/ Tanya E. Moore  
7 Tanya E. Moore  
8 Attorneys for Plaintiff Anthony Lerma

9           BUSTAMANTE OHARA GAGLIASSO, P.C.

13 Dated: December 21, 2011

10           /S/ Andrew V. Stearns  
11 Andrew V. Stearns, Attorneys for  
12 Defendant A Bite of Wyoming

13           HOPKINS & CARLEY  
14 A Law Corporation

15           /s/ Erik P. Khoobyarian  
16 Erik P. Khoobyarian, Attorneys for  
17 S. Max Spurgeon and Esperanza Spurgeon,  
18 Trustees of the Spurgeon Living Trust

19           **ORDER**

20           Upon request of the parties and good cause appearing,

21           **IT IS HEREBY ORDERED** that the case management conference currently set for  
22 January 10, 2012 is continued to February 36, 2012 at 4:00 P.M. before Magistrate Paul S.  
23 Grewal. All parties are ordered to appear in Courtroom 5, 4th Floor of the United States  
24 District Court, 280 South First Street, San Jose, California. An updated joint case management  
25 conference statement shall be filed no later than seven (7) days prior to the conference.

26           **IT IS SO ORDERED.**

28 Dated: December 21, 2011

  
United States Magistrate Judge