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Attorneys for Plaintiffs General Electric
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17 **UNITED STATES DISTRICT COURT FOR THE**
18 **EASTERN DISTRICT OF CALIFORNIA**

19 _____
20 GENERAL ELECTRIC COMPANY, a
21 New York corporation; and GE WIND
22 ENERGY, LLC, a Delaware limited
23 liability company,

24 Plaintiffs,

25 v.

26 THOMAS WILKINS, an individual,

27 Defendant.
28 _____

Case No. CV 10-00674-LJO-JLT

**STIPULATION AND ORDER RE:
POSTPONEMENT OF
DEPOSITION OF NORLAND
BRACE DUE TO ILLNESS**

(Doc. 313)

1 Defendant Thomas A. Wilkins (Mr. Wilkins), Intervenors Mitsubishi Heavy
2 Industries, Ltd. and Mitsubishi Power Systems Americas, Inc. (collectively, Mitsubishi),
3 and Plaintiffs General Electric Company and GE Wind Energy, Inc. (collectively, GE),
4 through their counsel, hereby stipulate subject to the approval of the Court as follows:

5 1. The deposition of GE's Norland Brace was scheduled to occur in this case on
6 February 23, 2012, the fact discovery cut-off date.

7 2. On the afternoon of February 21, GE informed Mitsubishi and Mr. Wilkins that
8 Mr. Brace was ill and that he could not proceed with the deposition as scheduled.

9 3. The parties understand the need to avoid undue delay as reflected in the Court's
10 February 21, 2012, Stipulated Order. They do not lightly approach the Court regarding
11 additional exceptions to applicable deadlines, but feel that such delay is justified in this
12 case due to Mr. Brace's indisposition.

13 4. The parties believe that Mr. Brace's illness constitutes "exceptional good cause"
14 within the meaning of the Court's Stipulated Order, warranting the postponement of his
15 deposition for a few days.

16 5. Subject to the approval of the Court, the parties jointly request that Mr. Brace's
17 rescheduled deposition be allowed to occur on March 7, 2012, which is the first day that
18 Mr. Brace is available.

19 6. Permitting such a postponement of the deposition would not require adjustment of
20 any other deadlines in this case, but permit timely completion of applicable discovery.

21
22 Dated: Feb. 22, 2012

By: /s/ Thomas Winland
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27 Dated: Feb. 22, 2012

By: /s/ Andrew J. Sloniewsky
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Dated: Feb. 22, 2012

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ORDER

Based upon the illness of deponent, Norland Brace, the Court **GRANTS** the stipulation of the parties to allow his deposition to occur out-of-time and on March 7, 2012.

IT IS SO ORDERED.

Dated: February 22, 2012

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE