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SIEMENS FINANCIAL SERVICES, INC.
10

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA

13 * * *

14 SIEMENS FINANCIAL SERVICES, INC.,)
15 Plaintiff,)
16 vs.)
17 GIRISH PATEL d/b/a TRUXTUN)
MEDICAL EQUIPMENT LEASING CO.,)
18 and TRUXTUN RADIOLOGY MEDICAL)
GROUP, L.P.,)
19 Defendants.)
20 _____)
21 AND RELATED COUNTER CLAIMS.)
22 _____)

Case No.: 1:10-CV-01417-LJO-JLT

**STIPULATION AND PROPOSED
ORDER STAYING PROCEEDINGS
PENDING MEDIATION**

23 IT IS HEREBY STIPULATED by and between the parties hereto through their
24 respective counsel of record, as follows:

25 WHEREAS,

26 A. The parties to the above-entitled action have recently filed their respective
27 pleadings in this matter; and

28 B. Defendants have filed a motion to join Siemens Medical Solutions USA, Inc. as a
third party defendant in this action that is set for hearing on October 20, 2010; and

1 C. Plaintiff has filed a motion to strike Defendants' jury demand that is set for
2 hearing on November 8, 2010 and for briefing based upon that date; and

3 D. A scheduling conference has been set for November 24, 2010; and

4 E. The parties agree that there are benefits to pursuing a negotiated resolution of
5 their disputes early in the litigation and to use their best efforts to schedule a mediation, to be
6 attended by client representatives with full settlement authority, with a neutral mediator in
7 Fresno or Bakersfield, California by December 17, 2010; and

8 F. The parties agree that good cause exists for this stipulation and proposed order.

9 IT IS HEREBY AGREED that:

10 1. The above-captioned litigation, including all pending motions, shall be stayed for
11 no less than sixty (60) days from the date of entry of this proposed order; and

12 2. The hearing for the motion for joinder of counter-defendant, filed by Girish Patel
13 and Truxtun Radiology Medical Group, L.P., currently set for hearing on October 20, 2010 in
14 Bakersfield shall be continued until January 24, 2011;

15 3. The hearing for the motion to strike the Defendants' jury demand filed by
16 Siemens Financial Services, Inc., currently set for hearing on November 8, 2010, in Bakersfield,
17 shall be continued until January 24, 2011; and that the date for filing opposition and reply briefs
18 shall be based upon that new hearing date; and

19 4. The scheduling conference shall be continued from November 24, 2010 and set
20 for February 2, 2011; and the date for filing a joint scheduling report shall be based upon that
21 new scheduling conference date.

22
23 October 14, 2010.

KIMBLE, MacMICHAEL & UPTON
A Professional Corporation

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25 By /s/ Steven D. McGee
26 STEVEN D. MCGEE
27 Attorneys for Plaintiff and Counter-
28 Defendant SIEMENS FINANCIAL
SERVICES, INC.

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October 13, 2010.

KLEIN, DeNATALE, GOLDNER,
COOPER, ROSENLIB & KIMBALL, LLP

By /s/ Barry L. Goldner
BARRY L. GOLDNER
Attorneys for Defendants and
Counter-Claimants GIRISH PATEL
d/b/a TRUXTUN MEDICAL
EQUIPMENT LEASING CO., and
TRUXTUN RADIOLOGY
MEDICAL GROUP, L.P.

ORDER

GOOD CAUSE appearing, the Court **ORDERS**

1. The above-captioned litigation, including all pending motions, shall be stayed for 60 days from the date of this;
2. The hearing on the motion for joinder of counter-defendant, filed by Girish Patel and Truxtun Radiology Medical Group, L.P., currently set for hearing on October 20, 2010 in Bakersfield shall be continued until January 24, 2011 at 9:00 a.m.;
3. The hearing on the motion to strike the Defendants' jury demand filed by Siemens Financial Services, Inc., currently set for hearing on November 8, 2010, in Bakersfield, shall be continued until January 24, 2011 at 9:00 a.m. and that the date for filing opposition and reply briefs shall be based upon that new hearing date; and
4. The scheduling conference shall be continued from November 24, 2010 and set for February 2, 2011; and the date for filing a joint scheduling report shall be based upon that new scheduling conference date.

IT IS SO ORDERED.

Dated: October 15, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE