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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 EXTENDING STAY OF
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 agree that there are benefits to pursuing a negotiated resolution of
27 their disputes early in the litigation and have used their best efforts to schedule a mediation, to be
28 attended by client representatives with full settlement authority, with a neutral mediator in
Fresno or Bakersfield, California by December 17, 2010; and

1 B. Despite these best efforts, a mediator that was mutually agreeable to the parties
2 was not available before February 2011; and

3 C. The parties have agreed to participate in a mediation to be held in Fresno,
4 California on February 10, 2011; and

5 D. The parties agree that good cause exists for this stipulation and proposed order. IT
6 IS HEREBY AGREED that:

7 1. The above-captioned litigation, including all pending motions, shall be stayed
8 until February 14, 2011; and

9 2. The hearing for the motion for joinder of counter-defendant, filed by Girish Patel
10 and Truxtun Radiology Medical Group, L.P., currently set for hearing on January 24, 2011 in
11 Bakersfield shall be continued until March 7, 2011;

12 The hearing for the motion to strike the Defendants' jury demand filed by Siemens
13 Financial Services, Inc., currently set for hearing on January 24, 2011, in Bakersfield, shall be
14 continued until March 7, 2011; and that the date for filing opposition and reply briefs shall be
15 based upon that new hearing date; and

16 4. The scheduling conference shall be continued from February 2, 2011 and set for
17 March 15, 2011; and the date for filing a joint scheduling report shall be based upon that new
18 scheduling conference date.

19 November 24, 2010.

KIMBLE, MacMICHAEL & UPTON
A Professional Corporation

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

1 November 24, 2010.

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

3 By /s/ Kurt Van Sciver
KURT VAN SCIVER
4 Attorneys for Defendants and
Counter-Claimants GIRISH PATEL
5 d/b/a TRUXTUN MEDICAL
EQUIPMENT LEASING CO., and
6 TRUXTUN RADIOLOGY
MEDICAL GROUP, L.P.

7 **ORDER**

8 Based upon the stipulation of the parties, the Court **ORDERS:**

9 1. The above-captioned litigation, including all pending motions, shall be stayed
10 until February 14, 2011;

11 2. The hearing on the motion for joinder of counter-defendant, filed by Girish Patel
12 and Truxtun Radiology Medical Group, L.P., currently set for hearing on January 24, 2011 shall
13 be continued to **March 8, 2011**;

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

18 4. The scheduling conference shall be continued from February 2, 2011 and set for
19 March 15, 2011 **at 9:00 a.m.**; and the date for filing a joint scheduling report shall be based upon
20 that new scheduling conference date.

21 5. **The parties are advised that no further extensions or stays of the action will**
22 **be granted** if based merely upon continued settlement efforts.

23
24
25 IT IS SO ORDERED.

26 Dated: November 30, 2010

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE