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23 Attorneys for Defendant
 24 INTERNATIONAL BUSINESS MACHINES
 25 CORPORATION

26 UNITED STATES DISTRICT COURT
 27 EASTERN DISTRICT OF CALIFORNIA

28 ANDRE ALVES,
 Plaintiff,
 v.
 INTERNATIONAL BUSINESS MACHINES
 CORPORATION; and DOES 1-100, inclusive,
 Defendants.

CASE NO. 2:18-CV-03192-JAM-DB

**JOINT STIPULATION AND ORDER
 TO CONTINUE TRIAL AND
 TRIAL- RELATED DATES**

Complaint Filed: November 8, 2018
 Removal: December 12, 2018

1 ANDRE ALVES (“Plaintiff”) and INTERNATIONAL BUSINESS MACHINES
2 CORPORATION (“Defendant”) (collectively, “the Parties”), by and through their undersigned
3 counsel, hereby stipulate and agree as follows:

4 WHEREAS, the Parties engaged in written discovery, exchanged documents, and
5 Defendant has taken the first day of Plaintiff’s deposition;

6 WHEREAS, the Parties believe now is an appropriate time to negotiate a potential
7 settlement of the case via private mediation;

8 WHEREAS, the Parties agreed to mediate this matter with Vivien Williamson, a well-
9 recognized and esteemed employment-law mediator;

10 WHEREAS, January 21, 2020 was the earliest mediation date the Parties could obtain based
11 on Ms. Williamson’s schedule, as well as the Parties’ and their counsels’ schedule;

12 WHEREAS, January 12, 2020 is *after* the discovery cutoff and the last day for a hearing on
13 any dispositive motions;

14 WHEREAS, the current dates and deadlines in this matter are as follows:

- 15 • October 4, 2019: Joint Mid-Litigation Statement;
- 16 • October 18, 2019: Discovery Cutoff;
- 17 • January 14, 2020: Last Day a Dispositive Motion May be Heard;
- 18 • February 28, 2020: Final Pretrial Conference;
- 19 • April 13, 2020: Trial.

20 WHEREAS, in the event the case does not resolve at the January 21, 2020 mediation, the
21 Parties will be irreparably harmed and prejudiced without a continuance of the above dates because
22 additional time is needed to complete discovery, including Plaintiff’s deposition and the deposition
23 of Defendant’s witnesses, and to file motions for summary judgment and/or adjudication, if needed;

24 WHEREAS, the Parties agree and stipulate that good causes exists to support this
25 stipulation, and that the relief requested herein will promote the fair, efficient, and just
26 administration of the instant matter;

27 WHEREAS, the Parties agree and stipulate that no parties will be prejudiced by the
28 requested continuance;

1 **IT IS HEREBY STIPULATED AND AGREED BY THE PARTIES THAT THE**
2 **TRIAL AND RELATED DATES SHOULD BE CONTINUED APPROXIMATELY FIVE**
3 **MONTHS AND/OR TO DATES THEREAFTER CONVENIENT TO THE COURT. THE**
4 **PARTIES PROPOSE THE FOLLOWING DATES FOR THE COURT'S**
5 **CONSIDERATION:**

- 6 • March 6, 2020: Joint Mid-Litigation Statement;
- 7 • March 18, 2020: Discovery Cutoff;
- 8 • June 16, 2020: Last Day a Dispositive Motion May be Heard;
- 9 • August 14, 2020: Final Pretrial Conference;
- 10 • September 14, 2020: Trial.

11
12 Dated: September 17, 2019

THYBERG LAW

13
14 By: /s/ Gregory A. Thyberg (as authorized on 09/17/2019)

15 GREGORY A. THYBERG

16 Attorneys for Plaintiff
ANDRÉ ALVES

17
18 Dated: September 17, 2019

JACKSON LEWIS P.C.

19
20 By: /s/ Douglas M. Egbert

21 SAMANTHA N. HOFFMAN
22 DOUGLAS M. EGBERT

23 Attorneys for Defendant
INTERNATIONAL BUSINESS MACHINES
24 CORPORATION

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ORDER

Based upon the foregoing stipulation of the Parties, and good cause appearing therefor,

IT IS HEREBY ORDERED AND MODIFIED AS FOLLOWS:

All current dates and deadlines are vacated and continued, as follows:

- March 6, 2020: Joint Mid-Litigation Statement;
- March 20, 2020: Discovery Cutoff;
- April 21, 2020: Dispositive motion filing;
- May 19, 2020 at 1:30 p.m: Last Day a Dispositive Motion May be Heard;
- June 19, 2020 Joint pretrial statement due:
- June 26, 2020 at 11:00 a.m.: Final Pretrial Conference;
- August 17, 2020 at 9:00 a.m.: Trial.

Dated: September 17, 2019

/s/ John A. Mendez
HON. JOHN A. MENDEZ
JUDGE OF THE DISTRICT COURT