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**Attorneys for Plaintiffs:**  
 11 THE NISSAN FIRE AND MARINE  
 INSURANCE COMPANY, LTD., and  
 12 HITACHI DATA SYSTEMS CORP.

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13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **(SAN FRANCISCO DIVISION)**

16 THE NISSAN FIRE AND MARINE	)	CASE NO.: C 02-02516 JSW
17 INSURANCE COMPANY, LTD., AND	)	
18 HITACHI DATA SYSTEMS CORP.,	)	<b>JOINT STATUS REPORT</b>
	)	<b>AND STIPULATION TO SET</b>
19 Plaintiffs,	)	<b>A FURTHER CASE</b>
	)	<b>MANAGEMENT</b>
	)	<b>CONFERENCE; ORDER</b>
20 v.	)	
	)	
21 BAX GLOBAL, INC., AND CATHAY	)	
22 PACIFIC AIRWAYS, LTD.,	)	
	)	
23 Defendants.	)	
	)	
	)	
	)	

26 Following the Court's issuance of its order dated May 12, 2009, the parties have been  
 27 engaged in settlement discussions for purposes of trying to globally resolve the case, which  
 28 discussions specifically include the attorney's fees amount. In the event that such discussions

1 do not result in a settlement, plaintiffs THE NISSAN FIRE AND MARINE INSURANCE  
2 COMPANY, LTD., and HITACHI DATA SYSTEMS CORP., (collectively ‘NISSAN’ or  
3 “Plaintiffs”), will then file a motion to the Court for the amount of attorney’s fees it seeks in this  
4 case, which may in turn result in defendant BAX GLOBAL INC. (“defendant” or “BAX”) filing  
5 an opposition to same. As the parties would like sufficient time to try and resolve this issue  
6 prior to filing any submissions to the Court, the parties, through their respective counsel,  
7 stipulate and request that the Court set a further case management conference for July 10, 2009  
8 (or some other later date convenient to the Court’s calendar) to either set a hearing date and a  
9 briefing schedule on the attorney’s fee motion if the case is not settled or refer this case out for a  
10 settlement conference if the parties agree.

11 Further, while the Court has not entered judgment on its May 12, 2009 order and while  
12 the parties believe that the 30 day period for filing a notice of appeal has not yet started to run,  
13 BAX has some concern that it may be later determined that the 30 day period for filing an appeal  
14 started to run on May 12, 2009. As a result, BAX, out of an abundance of caution, may file a  
15 notice of appeal prior to June 12, 2009 so as to ensure that it does not lose its rights to later file  
16 an appeal should this case not be resolved.

17 IT IS SO STIPULATED.

18 Dated: June 11, 2009

**LAW OFFICES OF GEORGE W. NOWELL**

21 By: S/ PAUL B. ARENAS  
22 PAUL B. ARENAS  
23 Attorneys for Defendant  
24 BAX GLOBAL, INC.

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Dated: June 11, 2009

**GIBSON ROBB & LINDH**

By: S/ MICHAEL J. CUMMINS  
MICHAEL J. CUMMINS  
Attorneys for Plaintiff  
THE NISSAN FIRE AND MARINE INSURANCE  
COMPANY, LTD., AND HITACHI DATA  
SYSTEMS CORP.,

**ORDER**

The Court HEREBY SETS a further case management conference for July 17, 2009 at 1:30 p.m.  
IT IS SO ORDERED.

DATED: June 12, 2009

  
\_\_\_\_\_  
HON. JEFFREY S. WHITE  
U.S. DISTRICT COURT JUDGE

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