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The motion may be withdrawn and refiled when appropriate. The Court will not grant any further continuances.

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18 Attorneys for Defendant

19 UNITED STATES DISTRICT COURT
20 NORTHERN DISTRICT OF CALIFORNIA
21 SAN FRANCISCO DIVISION

22 HILTON I. WESLEY,
23 Plaintiff,
24 v.
25 ROBERT M. GATES, SECRETARY OF
26 THE U.S. DEPARTMENT OF DEFENSE,
DEFENSE CONTRACT AUDIT AGENCY,
27 Defendant.

Docket No. C-08-2719 SI
E-FILING CASE

**STIPULATION AND [PROPOSED]
ORDER TO CONDUCT DEPOSITION
OF JONATHAN KAUFMANN AFTER
JUNE 1, 2009 DISCOVERY CUT OFF
DATE**

1 Plaintiff and Defendant, by and through their undersigned attorneys, hereby enter into
2 the following stipulation and request its approval by the Court.

3 WHEREAS a third-party witness, Jonathan Kaufmann, is resident in the state of
4 Virginia.

5 WHEREAS, due to significant scheduling conflicts of the parties' counsel and the
6 witness, the parties were unable to come to a mutually acceptable date for this out-of-state
7 deposition prior to the fact discovery cut off date of June 1, 2009.

8 WHEREAS the parties previously agreed that this deposition could take place after the
9 June 1, 2009 discovery cut-off date and have determined a mutually acceptable date for the
10 deposition of this witness.

11 ACCORDINGLY, the parties hereby agree that the deposition of Jonathan Kaufmann
12 can take place after June 1, 2009 and will take place on June 15, 2009. Defendant agrees that
13 Plaintiff's counsel can appear telephonically for the deposition of Mr. Kaufmann.

14 Respectfully submitted,

15 DATED: June 4, 2009

16 /s/
17 WENDY MUSELL
18 Stewart & Musell
19 Attorneys for Plaintiff


20 JOSEPH P. RUSSONIELLO
21 United States Attorney

22 DATED: June 4, 2009

23 /s/
24 VICTORIA CARRADERO
25 Assistant U.S. Attorney
26 Attorneys for Defendant

27 Pursuant to Stipulation, **IT IS SO ORDERED** that the deposition of Jonathan Kaufmann may
28 be taken after the June 1, 2009 discovery cut-off date.

DATED: _____



The Honorable Susan Illston
United States District Court Judge