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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

HOWARD B. HIGGINS, an individual,

Plaintiff,

vs.

FARR FINANCIAL INC., a California
Corporation, ZENITH INVESTMENT
GROUP LLC, a California Limited
Liability Company, AMAECHI
GEORGE OZOR, an individual, and
JOHN/JANE DOES I-X, individuals or
entities whose identities are unknown,

Defendants.

Case No. C 07-02200 JSW

**STIPULATION AND
~~PROPOSED~~ ORDER**

1 Defendant, Farr Financial, Inc. ("Farr") and Plaintiff, Howard B. Higgins, by and
2 through their respective attorneys, submit this stipulation, in which they agree as follows:

3 Per this Court's Order of July 20, 2011, the case was assigned to a randomly
4 assigned magistrate for a settlement conference. By Order of July 27, 2011, Magistrate
5 Cousins scheduled the settlement conference in this matter for September 1, 2011.
6 Because of a personal conflict of counsel for Defendant, such counsel will request that the
7 settlement conference be rescheduled for a date after September 12, 2011.
8

9 The pre-trial conference is currently scheduled in this matter for September 12,
10 2011. The bench trial is currently scheduled in this matter for October 3, 2011.

11 The parties jointly request that the pre-trial conference in this matter be rescheduled
12 (1) in order for the parties and Magistrate Cousins to conduct the settlement conference
13 before the pre-trial filings are due and (2) to give the parties adequate time to prepare pre-
14 trial materials in the event that they are unable to settle this matter. In the event the parties
15 are unable to resolve this matter, they will need two weeks to prepare pre-trial materials.
16

17 In addition, the parties jointly request that the trial in this matter be continued to
18 reflect the changed pre-trial dates.
19

20 Good cause exists to grant this stipulation. Given the current setting for pre-trial
21 conference, submissions preparatory to the pre-trial conference will be due *before* the
22 settlement conference. Given the considerable amount of work the pre-trial conference
23 preparations would require, the parties believe that requiring this work to be completed
24 before the settlement conference would lessen the chances of a successful settlement,
25 because money that could otherwise be contributed to a settlement would be expended on
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1 preparations for the pre-trial conference.

2 There have been no prior requests to continue the dates for the pre-trial conference
3 or the bench trial.

4 The parties suggest the following dates for the pre-trial conference and trial, if
5 necessary:
6

- 7 1. Pre-trial Conference: Rescheduled from September 12, 2011, until October
8 10-11 or October 17-18, 2011.
9
10 2. Trial: Rescheduled from October 4, 2011, until November 7-10, November
11 15-18, December 5-9 or December 12-15, 2011.

12
13 IT IS SO STIPULATED.

14
15 Dated: August 4, 2011

NORMAN G. REECE, P.C.

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17
18 By: /s/ Norman G. Reece, Jr.
19 NORMAN G. REECE, JR.
20 Attorney for Plaintiff, Howard B. Higgins
(Pro Hac Vice)

21
22 Dated: August 4, 2011

HOWARD J. STEIN & ASSOC.

23
24 By: /s/ Howard J. Stein
25 HOWARD J. STEIN
26 Attorneys for Defendant, Farr Financial, Inc.
(Pro Hac Vice)

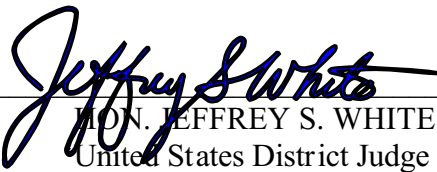
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ORDER

Good cause appearing, **IT IS ORDERED** that the stipulation is **GRANTED**. The pre-trial conference shall be reset for October 17, 2011. The bench trial presently set to commence October 3, 2011, is hereby vacated and set to commence November 7, 2011.

IT IS SO ORDERED.

Dated: August 4, 2011



HON. JEFFREY S. WHITE
United States District Judge