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5 Attorney for Defendant,  
 RICHARD FENTON, dba  
 6 FENTON CONSTRUCTION SERVICES

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 9 IN THE UNITED STATES DISTRICT COURT  
 10 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 JOHN DAMON,

13 Plaintiff,

14 vs.

15 RICHARD R. FENTON dba  
 FENTON CONSTRUCTION SERVICES,

16 Defendant.

) CASE NO. C08-03488-JCS

) STIPULATION AND REQUEST TO  
 ) POSTPONE DEADLINE TO COMPLETE  
 ) EARLY NEUTRAL EVALUATION AND  
 ) CASE MANAGEMENT CONFERENCE

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 18 This Stipulation and Request to Postpone May 1, 2009 Case Management Conference  
 19 and extend the deadline to complete the ENE is made by the Parties to this action pursuant to  
 20 Civil Local Rule 7-12, and ADR Local Rule 5.5.

22 Whereas, the parties conducted the telephone conference with evaluator, John H.  
 23 Feldman, III, on March 11, 2009 at which conference the issues to be evaluated were discussed,  
 24 and the parties and the evaluator concluded that in order for the ENE to be meaningful, that some  
 25 limited discovery need be completed and evaluated by the parties prior to the ENE session;

27 The Plaintiff, John Damon, by and through counsel, Jacob Sider, and the Defendant,  
 28 Richard Fenton, by and through counsel, Herbert L. Terreri, stipulate as follows:

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1. The parties will exchange limited written discovery, and make every effort to exchange responses prior to the deadlines under the FRCP;

2. The parties will conduct a limited deposition of the Plaintiff, to be completed prior to the ENE conference;

3. The deadline to complete the ENE conference shall be extended to May 28, 2009.

Dated: March 16, 2009

*Jacob Sider* 3/20/2009  
Jacob Sider, Attorney for Plaintiff,  
John Damon

*Herbert L. Ferreri* 3/23/09  
Herbert L. Ferreri, Attorney for  
Defendant, Richard Fenton

PURSUANT TO STIPULATION, IT IS ORDERED:

The last day to complete the Early Neutral Evaluation (ENE) in this case is extended to May 28, 2009.

The May 1, 2009 case management conference in this matter is postponed to June 5, 2009.

Dated: March 25, 2009

