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 12 AMERICAN MEDICAL SYSTEMS, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO – ECF PROGRAM
 16

18 ELLEN AMBROFF and TERRY
 19 AMBROFF,

20 Plaintiffs,

21 v.

22 AMERICAN MEDICAL SYSTEMS, INC.,
 and DOES ONE through TWENTY-FIVE,
 23 inclusive,

24 Defendants.

CASE NO. C08-04289 JL

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE
 MEDIATION**
 Civil L.R. 7-12

25
 26 This Stipulation is entered into between plaintiffs, Ellen Ambroff and Terry Ambroff, by
 27 and through their counsel of record, Hersh and Hersh, a professional corporation, and defendant,
 28 American Medical Systems, Inc., by and through its counsel of record, Kenney & Markowitz,

Kenney
&
Markowitz
L.L.P.

1 L.L.P. The parties stipulate as follows:

2 1. On January 13, 2010 the Court referred this action to mediation and assigned
3 neutral, Jacqueline Scott Corley, on January 27, 2010. The Court ordered that the mediation be
4 completed on or before April 13, 2010.

5 2. On February 2, 2010, during a pre-mediation conference telephone call with
6 Jacqueline Corley, the parties scheduled a tentative mediation date of April 13, 2010. During the
7 telephone conference call, the parties and Jacqueline Corley agreed that certain key witness
8 depositions would be taken prior to the mediation so that the parties could participate in a more
9 meaningful mediation session.

10 3. Unfortunately, counsel for AMS has been unable to schedule the deposition of Dr.
11 Carter due to his absence for vacation and his attorney's schedule. Counsel for AMS is attempting
12 to seek the cooperation of all concerned to schedule Dr. Carter's deposition as soon as practical.
13 Dr. Carter is Ellen Ambroff's treating physician and implanted Ms. Ambroff with the medical
14 device that plaintiff claims caused her injuries. According to AMS, Dr. Carter's deposition is
15 important and his testimony will likely be key evidence in this action.

16 4. The parties stipulate and respectfully request that the Court vacate the current
17 mediation deadline of April 13, 2010 and continue the mediation date by an additional 45 days to
18 May 28, 2010 so that Dr. Carter's deposition can be taken prior to the mediation.

19 5. The parties have discussed the issue of Dr. Carter's unavailability and possible
20 mediation continuance with Court-appointed neutral, Jacqueline Scott Corley. Ms. Corley also
21 consents to a continuance of the mediation for this reason.

22 Respectfully submitted,

23
24 DATED: March 29, 2010

KENNEY & MARKOWITZ L.L.P

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26 By: /s/ Samantha D. Hilton
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