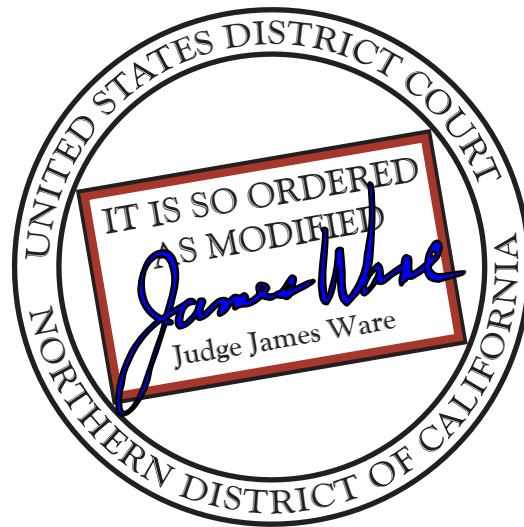


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11 UNITED STATES DISTRICT COURT  
 12 NORTHERN DISTRICT OF CALIFORNIA

JW

13 NEVA LEMA,  
 14 Plaintiff,

CASE NO. CV09-0494-~~VRW~~  
 Civil Rights

15 v.  
 16 MARIE CALLENDER'S CONCORD #86,  
 17 et al.,  
 18 Defendants.

**STIPULATION AND ~~Proposed~~ ORDER  
 REQUESTING ENLARGEMENT OF  
 SCHEDULING ORDER DATES**

19  
 20 The Parties in this case are attempting to forge a cooperative settlement while managing  
 21 legal expenses. With the recent Chapter 11 discharge and/or dismissal of all 7 corporate Marie-  
 22 Callender entities, the case now proceeds solely between Plaintiff and Landlord-Defendants  
 23 Mario and Patsy Chan.

24 These parties are cooperating. They recently exchanged expert reports and Defendants  
 25 are considering Plaintiff's written demand in an effort to dispose of all remaining issues. To  
 26 increase the chances of settlement while managing costs, the Parties request a short  
 27 enlargement of approximately 90 days of the following scheduling order dates:

28 ////

| 1  | <b>Deadline</b>                               | <b>Current</b>              | <b>New</b>  |
|----|---|-----------------------------|---|
| 2  | Rebuttal Expert Reports                       | February 10, 2012           | May 10, 2012  |
| 3  | Motions to Exclude Experts<br>and Portions of | February 13, 2012           | May 14, 2012  |
| 4  | Testimony                                     |                             |   |
| 5  | Preliminary Pretrial Conf.<br>Stmts           | February 17, 2012           | <del>May 17, 2012</del> March 30, 2012                            |
| 6  | Prelim. Pretrial Conference                   | Tues., Feb. 27, 2012, 11 AM | April 9, 2012 @ 11:00 am<br><del>Tues., May 29, 2012, 11 AM</del> |
| 7  | Hearing on Motions to                         | March 19, 2012              | June 18, 2012 @ 9:00 am   |
| 8  | Exclude Experts and<br>Portion of Testimony   |                             |   |
| 9  | Discovery Cutoff                              | March 30, 2012              | <del>July 1, 2012</del> May 11, 2012                              |
| 10 | Dispositive Motion Hearing                    | May 12, 21012               | <del>August 13, 2012</del>  |
| 11 | Deadline                                      |                             | July 9, 2012 @ 9:00 am  |

12 SO STIPULATED.

14 Dated: February 7, 2012

TIMOTHY S. THIMESCH  
THIMESCH LAW OFFICE

16 /s/ Authorized Signed  
Attorneys for Plaintiff  
NEVA LEMA

18 Dated: February 7, 2012

CHARLES H. HORN, ESQ.,  
LECLAIRRYAN, LLP

20 /s/ Authorized Signed  
Attorneys for Defendants  
MARIO H. CHAN; and PATSY W. CHAN

22 **ORDER**

23 ~~SO ORDERED.~~

27 Dated: February 8, 2012

  
HON. JAMES WARE  
U.S. DISTRICT COURT PRESIDING JUDGE