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 EDISON MISSION ENERGY and
 MIDWEST GENERATION, LLC

EXERGETIC SYSTEMS, LLC

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

EXERGETIC SYSTEMS, LLC,

Plaintiff,

v.

EDISON MISSION ENERGY; and
MIDWEST GENERATION LLC,

Defendants.

Case No. 09-0883-MHP

**STIPULATION AND ~~PROPOSED~~
ORDER RE: CASE MANAGEMENT
CONFERENCE**

AND RELATED COUNTERCLAIMS

WHEREAS this Court held a Case Management Conference on July 6, 2009, and ordered Plaintiff Exergetic Systems, LLC and Defendants Edison Mission Energy and Midwest Generation LLC (“the Parties”) to return for a Further Case Management Conference on September 21, 2009, subsequently continued by Court Order until October 26, 2009;

WHEREAS as a result of the mediation on October 13, 2009, the parties are in the process of reducing the terms of a settlement to writing, and request that the CMC be postponed for fourteen (14) additional days to provide the parties with an opportunity to prepare and execute final settlement documents.

STIPULATION AND ~~PROPOSED~~ ORDER
 Case No.: CV-09-0883 MHP

