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Attorneys for Defendants and
 Counterclaimants
 EDISON MISSION ENERGY and
 MIDWEST GENERATION, LLC

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 EXERGETIC SYSTEMS, LLC,

17 Plaintiff,

18 v.

19 EDISON MISSION ENERGY; and
 20 MIDWEST GENERATION LLC,

21 Defendants.

22 AND RELATED COUNTERCLAIMS

Case No. 09-0883-MHP

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

23 WHEREAS this Court held a Case Management Conference on July 6, 2009, and ordered
 24 Plaintiff Exergetic Systems, LLC and Defendants Edison Mission Energy and Midwest
 25 Generation LLC (“the Parties”) to return for a Further Case Management Conference on
 26 September 21, 2009, subsequently continued by Court Order until October 26, 2009, then until
 27 November 9, 2009; and then until November 23, 2009 and then until December 7, 2009; and then
 28 until January 25, 2010;

WHEREAS as a result of the mediation on October 13, 2009, the parties have reduced the
 terms of a settlement to writing, and require some additional time to finalize and to execute the
 settlement documents, and the parties hereby request that the CMC be postponed for twenty-eight

STIPULATION AND [PROPOSED] ORDER
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1 (28) additional days to provide the parties with an opportunity to execute final settlement
2 documents.

3 NOW THEREFORE the Parties hereby stipulate, and respectfully request, through their
4 respective counsel of record, that the Further Case Management Conference now set for January
5 25, 2010 be postponed until March 1, 2010 at ~~2:00~~ **3:00** P.M., subject to the Court's availability on that
6 date. The Parties shall file jointly a Further Case Management Conference Statement five (5)
7 court days before the continued case Further Case Management Statement.

8
9 IT IS SO STIPULATED.

10 Dated: January 25, 2010

DERGOSITS & NOAH LLP

11 By: _____ /s/
12 Michael E. Dergosits
13 Attorneys for Plaintiff and
14 Counterdefendant
EXERGETIC SYSTEMS, LLC

15 Dated: January 25, 2010

JONES DAY

16 By: _____ /s/
17 Arthur S. Beeman
18 Attorneys for Defendants and
19 Counterclaimants
20 EDISON MISSION ENERGY and
MIDWEST GENERATION LLC

21 I attest under penalty of perjury that concurrence in the filing of this document has been
22 obtained from Defendants' counsel, Arthur S. Beeman.

23 _____ /s/
24 Michael E. Dergosits

25 IT IS SO ORDERED. NO FURTHER CONTINUANCES.

26 Dated: January 26, 2010

27 Hon. Marilyn H.
28 United States D.



STIPULATION AND PROPOSED ORDER
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