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 VISA U.S.A. INC.
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8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION
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12 VISA U.S.A. INC.,

13 Plaintiff,

14 vs.

15 AUDIENCE IDENTIFICATION INC.,

16 Defendant & Third-
 17 Party Plaintiff.

18 vs.

19 U.S. BANK NATIONAL ASSOCIATION,

20 Third-Party Defendant.

Case No. CV 09 1176 SI

**STIPULATED REQUEST TO EXTEND
 TIME FOR MEDIATION AND
[PROPOSED] ORDER**

The Honorable Susan Illston

Trial Date: June 28, 2010

21 Plaintiff VISA U.S.A. INC. (“Visa”) and Defendant AUDIENCE IDENTIFICATION
 22 INC. (“AII”) respectfully submit the following stipulated request:

23 WHEREAS, on June 25, 2009, this Court referred the parties to mediation to be conducted
 24 by September 16, 2009;

25 WHEREAS, on August 7, 2009, the Court-appointed mediator, Mr. C. Delos Putz,
 26 conducted a teleconference with the parties to discuss mediation dates where the parties and Mr.
 27 Putz were unable to agree on a mutually available date for mediation on or before September 16,
 28

1 2009;

2 WHEREAS, the mediator informed the parties he would select September 16, 2009 as the
3 proposed mediation date with the understanding that the parties would try to select a mutually
4 available date and petition this Court for an extension in time;

5 WHEREAS, lead counsel for Visa has a multi-day arbitration during the week of August
6 31, 2009 and a long-planned vacation during the week of September 14, 2009;

7 WHEREAS, lead counsel for Aii has a long-planned medical procedure scheduled for
8 September 16, 2009 and has a 4-week arbitration set to begin on September 21, 2009;

9 WHEREAS, the parties have agreed with Mr. Putz to hold a mediation session on October
10 23, 2009, starting at 9:00 am;

11 WHEREAS, the parties and any insurer representatives are required to attend the
12 mediation in person pursuant ADR L-R 6-9 and will not further delay the mediation date absent
13 an unforeseen and exceptional circumstance and a showing of good cause;

14 WHEREAS, the parties have agreed, that if Aii counsel's 4-week arbitration is resolved
15 prior to the end of the arbitration proceeding, Visa and Aii will meet and confer to schedule an
16 earlier mediation session with Mr. Putz;

17 WHEREAS, an extension in time to conduct the mediation by the end of October 2009
18 does not affect the case schedule;

19 THEREFORE, the parties respectfully request that the Court grant an extension until
20 October 30, 2009, for the parties to conduct a mediation pursuant to ADR L-R 6.

21
22 DATED: September 3, 2009.

FARELLA BRAUN & MARTEL LLP

23
24 By: /s/ Eugene Mar
Eugene Mar

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26 Attorneys for Plaintiff
VISA U.S.A. INC.

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DATED: September 3, 2009.

FARBSTEIN & BLACKMAN, APC

By: /s/ John Blackman
John S. Blackman

Attorneys for Defendant
AUDIENCE IDENTIFICATION INC.

1. The stipulating parties shall appear October 23, 2009 to conduct a mediation pursuant to ADR L-R 6.

2. The stipulating parties, their counsel and the insurer representatives are required to attend the mediation in person pursuant ADR L-R 6-9.

3. The mediation date will not be further delayed absent an unforeseen and exceptional circumstance and a showing of good cause.

Dated: _____



The Honorable Susan Illston