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 11 Attorneys for Defendant
 12 GEVITY HR, INC.

13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15
 16 MARSHALL FIELD, individually and on behalf of
 all other similarly situated persons,

17 Plaintiffs,

18 v.

19 AMERICAN MORTGAGE EXPRESS CORP., a
 20 Pennsylvania Corporation and GEVITY HR, INC., a
 Florida Corporation,

21 Defendants.
 22

Case No.: C-09-01430 ~~JCS~~ MHP

**JOINT STIPULATION TO CONTINUE
 EARLY NEUTRAL EVALUATION
 PROCEEDINGS AND (~~PROPOSED~~)
 ORDER THEREON**

23 Defendant Gevity HR, Inc. and Plaintiff Marshall Field (hereinafter, the "Parties"), by and
 24 through their undersigned counsel, hereby enter into the following Stipulation:

25 WHEREAS, on September 28, 2009, the Court entered an order setting the Early Neutral
 26 Evaluation ("ENE") Hearing for November 9, 2009 at 10:00 A.M. at the Evaluator's offices located
 27 at 351 California Street, Suite 700, San Francisco, CA, with the Parties' written ENE statements to
 28

1 be due on November 2, 2009;

2 WHEREAS, this action is not yet at issue because the Court granted the Defendant's motion
3 to dismiss and the Plaintiff intends to file a Second Amended Complaint;

4 NOW, THEREFORE, in order to allow more time for discovery once there is an operative
5 complaint in this action, the Parties stipulate to vacate the current ENE Hearing date of November 9,
6 2009, and to reschedule it on or before December 18, 2009, with the Parties' written ENE statements
7 to be due one week prior to the rescheduled ENE Hearing date.

8 Dated: October 16, 2009

DUANE MORRIS LLP

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10 By: /s/ Allegra A. Jones
Lorraine P. Ocheltree
11 Allegra A. Jones
Attorneys for Defendant
12 GEVITY HR, INC.

13 Dated: October 16, 2009

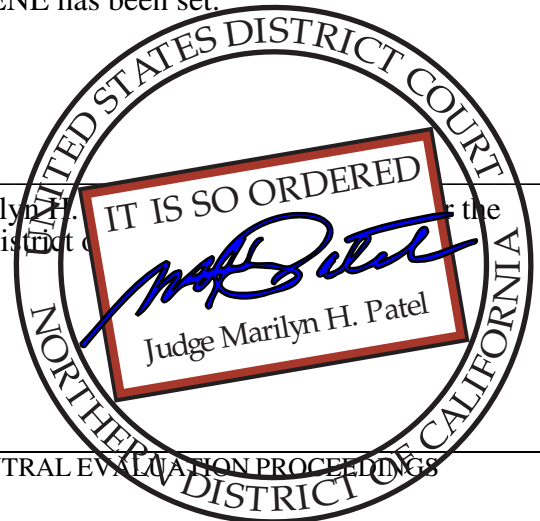
CORNERSTONE LAW GROUP

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15 By: /s/ Harry G. Lewis
Harry G. Lewis
16 Julia Marquis
Gordon W. Renneisen
17 Christina S. Park
Attorneys for Plaintiff
18 MARSHALL FIELD

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20 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The ENE Hearing currently set
21 for November 9, 2009 is vacated and shall be reset on or before December 18, 2009. The Parties'
22 are directed to notify the Court once a new date for the ENE has been set.

23
24
25 Dated: October 19, 2009

26 Judge Marilyn H. Patel
Northern District of California



1 GENERAL ORDER 45 CERTIFICATION

2 I, Allegra A. Jones, hereby attest pursuant to N.D. Cal. General Order No. 45 that the
3 concurrence to the filing of this document has been obtained from each signatory hereto.

4

5 Dated: October 16, 2009

DUANE MORRIS LLP

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By: /s/ Allegra A. Jones
Lorraine P. Ocheltree
Allegra A. Jones
Attorneys for Defendant
GEVITY HR, INC.

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