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12 Attorneys for Defendants
 13 LENNAR ASSOCIATES MANAGEMENT, LLC;
 14 LENNAR CORPORATION DBA LENNAR HOMES

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 **ERIC GUNDERSEN, on behalf of himself**
 18 **and all others similarly situated,**

19 **Plaintiff,**

20 **v.**

21 **LENNAR ASSOCIATES**
 22 **MANAGEMENT, LLC; LENNAR**
 23 **CORPORATION dba LENNAR HOMES,**
 24 **and DOES 1 – 10, inclusive,**

25 **Defendants.**

Case No. CV-09-2270 CRB

STIPULATION AND ~~[Proposed]~~
ORDER TO CONTINUE THE
ADR DEADLINE AND THE
FURTHER CASE MANAGEMENT
CONFERENCE

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Stip. and [Proposed] Order to Continue
 the ADR Deadline and Further CMC
 Case No. CV-09-2270 CRB

1 Subject to the approval of the Court, Plaintiff Eric Gundersen (“Plaintiff”) and defendants
2 Lennar Associates Management, LLC, and Lennar Corporation dba Lennar Homes
3 (“Defendants”), through their respective counsel of record, hereby stipulate to the following:

- 4 1. The parties agreed to private mediation of this matter.
- 5 2. The Court ordered the parties to hold their ADR session by December 28, 2009,
6 which is 140 days from entry of the Court’s Order dated August 10, 2009 (Docket
7 # 19). The Court also ordered a Further Case Management Conference at 8:30 a.m.
8 on January 8, 2010. (Docket # 26.)
- 9 3. At the time of the Court’s Order, the parties were working on selecting a mediator.
10 The parties have since agreed to use David Rotman for mediation.
- 11 4. All parties, including the mediator, Mr. Rotman, are available for mediation on
12 March 8, 2010.
- 13 5. Accordingly, the parties respectfully request a continuation of the ADR deadline to
14 March 10, 2010, or a date thereafter, to provide them with an opportunity to
15 complete mediation.
- 16 6. The parties have been engaged in the limited pre-mediation discovery that was
17 agreed upon in the parties’ Joint Case Management Statement (Docket # 23). To
18 date Plaintiff has not been satisfied that the pre-mediation discovery agreed to will
19 produce information sufficient to allow him to negotiate a class-wide settlement in
20 good faith. Accordingly, Plaintiff has propounded further discovery. Defendants
21 disagree and reserve their defenses and objections. Defendants have offered
22 alternatives to Plaintiff in an attempt to resolve the matter, and the parties will meet
23 and confer regarding such discovery. Accordingly, an extension of the ADR
24 deadline will allow the parties to hopefully resolve any discovery disputes and be
25 better prepared to engage in a meaningful mediation process.

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7. The parties also respectfully request a continuation of the Further Case Management Conference to 8:30 a.m. on April 9, 2010, or a date thereafter that is available to the Court.

Dated: November 2, 2009

Jones Day

By: /s/ Aaron L. Agenbroad
Aaron L. Agenbroad

Counsel for Defendants
Lennar Associates Management, LLC and Lennar Corporation dba Lennar Homes

Dated: November 2, 2009

Hinton, Alfert & Summer
Bruckner Burch PLLC

By: /s/ Aaron D. Kaufmann
Aaron D. Kaufman
Richard J. (Rex) Burch

Counsel for Plaintiff
Eric Gundersen

ORDER

PURSUANT TO STIPULATION, IT IS ORDERED.

The parties shall ^{hold} ~~occur~~ the ADR session by March 10, 2010, ~~or the following later date:~~

_____.

The Further Case Management Conference presently set for January 28, 2010, is continued to 8:30 a.m. on April 9, 2010, ~~or the following later date and time:~~

_____, 2010, at _____ a.m. / p.m.

Dated: November 10, 2009

HON. CHARLES R. BREYER

