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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION
 12

13 MICHELLE RESSLER,
 14 Plaintiff,
 15 v.
 16 ELSEVIER INC., a New York corporation,
 and DOES 1 through 10, inclusive,
 17 Defendants.
 18

Case No. 3:09-cv-03349 JL

**STIPULATED REQUEST FOR
 ORDER CHANGING TIME FOR
 MEDIATION AND MEDIATION
 DEADLINE AND ~~PROPOSED~~
 ORDER**

Courtroom F, 15th Floor
 Judge: Hon. James Larson

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 20 Pursuant to Local Rules 6-2 and 7-12, Plaintiff Michelle Ressler ("Ressler") and
 21 Defendant Elsevier Inc. ("Elsevier"), respectfully request that the Court approve this
 22 stipulated request and grant a continuance of the mediation currently scheduled for April
 23 14, 2010 to a date before June 21, 2010 to be mutually agreed upon by the parties, and an
 24 extension of the April 21, 2010 ADR deadline. The parties have stipulated a two-month
 25 extension of the mediation deadline until June 21, 2010.

26 In compliance with Local Rule 6-2, the Ressler and Elsevier respectfully state:
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 28

1 1. On December 2, 2009, Ressler's counsel notified Elsevier that Ressler was
2 involved a slip and fall accident, severely injuring her spinal cord and causing her to be
3 hospitalized. In order to accommodate Ressler's recovery, Elsevier agreed to continue the
4 deposition of Ressler noticed for December 11, 2009, and all pending discovery response
5 deadlines.

6 2. On December 3, 2009, Ressler and Elsevier stipulated to attempt resolution
7 of this case via Mediation pursuant to the Northern District's Multi-Option Alternative
8 Dispute Resolution ("ADR") Program.

9 3. On January 21, 2010, the Court entered an Order setting an ADR session
10 deadline of 90 days from the date of the Order, or April 21, 2010.

11 4. Pursuant to ADR L.R. 6-4, the parties participated in a phone conference
12 with court-appointed Mediator, Brad Seligman, Esq. During the phone conference, the
13 parties agreed to participate in a mediation on April 14, 2010. This date was agreed upon
14 to give Ressler adequate time to respond to Elsevier's written discovery and provide
15 Elsevier sufficient time to take Ressler's deposition before the parties' mediation
16 statements, which were due to the mediator on April 9, 2010.

17 5. During the phone conference with the mediator and in subsequent
18 communications with Ressler's counsel, Elsevier stated its position that the deposition of
19 Ressler needed to precede the mediation in order for meaningful negotiations to take place.

20 6. Elsevier re-noticed Ressler's deposition for March 15, 2010, but the
21 deposition was taken off calendar when Ressler produced over 2,000 documents two
22 businesses days before her deposition, (Elsevier did not have sufficient time to review the
23 newly produced documents before the deposition).

24 7. The parties met and conferred, but were unable to find a mutually agreeable
25 alternative date for Ressler's deposition before April 9, 2010, the date the mediation briefs
26 are due.

27 8. The parties have met and conferred and determined that it is necessary to
28 continue the mediation and extend the mediation deadline in order to allow Elsevier the

1 opportunity to take Ressler's deposition and give both parties time to analyze her testimony
2 and prepare for mediation.

3 9. The parties agree that an extension of the mediation deadline until June 21,
4 2010, is appropriate.

5 10. Should mediation prove unsuccessful, the parties agree that continuing the
6 mediation and extending the mediation deadline will not affect the scheduled trial date.

7 11. In compliance with Local Rule 6-2, a Declaration of Elsevier's counsel is
8 attached in support of this Stipulated Request for Order Changing Time.

9 SO STIPULATED:

10

11 Dated: April 5, 2010

12 KUMIN SOMMERS LLP

13 By /s/ Stephen A. Sommers

14 STEPHEN A. SOMMERS
15 JOSEPH CLAPP
16 RORY QUINTANA

17 Attorneys for Plaintiff
18 MICHELLE RESSLER

18

19 Dated: April 2, 2010

20 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

21 By /s/ Morgan P. Forsey

22 JENNIFER G. REDMOND
23 MORGAN P. FORSEY

24 Attorneys for Defendant
25 ELSEVIER INC.

25

26 **ORDER**

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27 Upon review of Joint Stipulation for Request of Continuance of the
28 Mediation and the ADR Deadline, the Court hereby extends the parties deadline to

1 participate in ADR to June 21, 2010 and continues the April 14, 2010 mediation date to a
2 date before June 21, 2010 to be agreed upon by the parties.

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Dated: April 6, 2010



HON. JAMES LARSON
JUDGE OF THE DISTRICT COURT