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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

16 **LEE KEMP, individually and on behalf of**
 17 **all others similarly situated, the general**
 18 **public, and as an “aggrieved employee”**
under the California Labor Code Private
Attorney General Act,

19 **Plaintiff,**

20 **v.**

21 **INTERNATIONAL BUSINESS**
 22 **MACHINES CORP., a New York**
 23 **Corporation, and DOES 1-50, inclusive,**

24 **Defendant.**

Case No. CV 09-03683-MHP

**STIPULATION EXTENDING
 DEADLINES**

25
 26 Pursuant to Local Rules 6-1(b) and 7-12, Plaintiff Lee Kemp (“Plaintiff”) and Defendant
 27 International Business Machines Corporation (“Defendant”), by and through their undersigned
 28 counsel, hereby stipulate and request as follows:

1 WHEREAS, on November 23, 2009, the Court entered an Order After Hearing (the
2 “Order”) requiring that the parties complete private ADR by April 30, 2010;

3 WHEREAS, the Order provided that if ADR failed, Defendant must move, plead, or
4 otherwise respond to the First Amended Complaint within ten days;

5 WHEREAS, the parties require additional time to discuss the case prior to the deadline to
6 complete private ADR;

7 WHEREAS, the parties also agree that Defendant shall therefore have additional time to
8 answer, move or otherwise respond to the First Amended Complaint;

9 WHEREAS, such extensions will not alter the date of any other event or deadline already
10 fixed by the Court;

11 WHEREAS, the only prior time modification was the Court’s extension of Defendant’s
12 deadline to respond to the First Amended Complaint.

13 IT IS HEREBY STIPULATED by and between the parties, through their respective
14 counsel:

- 15 1. The deadline to complete private ADR is extended until May 31, 2010; and
16 2. Defendant shall have until June 30, 2010, to move, plead, or otherwise respond to
17 the First Amended Complaint.

18 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
19 "conformed" signature (/S/) within this efiled document.

20 **IT IS SO STIPULATED.**

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Dated: April 29, 2010

JONES DAY

By: /S/
Catherine S. Nasser
Attorneys for Defendant
INTERNATIONAL BUSINESS
MACHINES CORPORATION

Dated: April 29, 2010

THIERMAN LAW FIRM, PC

By: /S/
Mark R. Thierman
Attorneys for Plaintiff
LEE KEMP

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/30 , 2010

Honorable
United States



SFI-640240v2