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15 Attorneys for Defendant
 16 REGIS CORPORATION

17 UNITED STATES DISTRICT COURT

18 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

19 EKA NINUA, on behalf of herself and
 others similarly situated,

20 Plaintiffs,

21 v.

22 REGIS CORPORATION; and DOES 1 to
 50, inclusive,

23 Defendants.
 24

) Case No. CV 09 4045 JSW

) **STIPULATION AND ~~PROPOSED~~**
) **ORDER TO CONTINUE MEDIATION**
) **DEADLINE**

) Filing Date: July 13, 2009
) Trial Date: March 7, 2011

1 Plaintiff Eka Ninua (“Plaintiff”) and Defendant Regis Corporation (“Defendant”)
2 (collectively the “parties”) hereby stipulate and seek an order of the Court to continue the
3 mediation deadline in this case, as follows:

4 1. On November 30, 2009, the parties filed a Stipulation and Proposed Order
5 Selecting ADR Process with the above-captioned court. The parties agreed to participate in
6 private mediation.

7 2. On December 18, 2009, the Hon. Jeffrey S. White entered a case management
8 Order which included a deadline for completing the mediation of April 30, 2010.

9 3. The parties subsequently agreed to mediate this matter before Jeffrey Ross on
10 April 21, 2010.

11 4. In anticipation of the mediation, the parties agreed that Plaintiff’s deposition
12 would go forward on March 30, 2010. Plaintiff requested a Georgian translator for the
13 deposition. After an extensive search, that included contacting multiple translation companies,
14 Defendant retained a translator, and the March 30, 2010 deposition of Plaintiff commenced as
15 scheduled. However, during the course of the deposition, it became evident to both parties that
16 the translation services were inadequate, creating doubts that a proper record was being made.
17 Accordingly, Plaintiff’s deposition was suspended by agreement of the parties. Defendant has
18 agreed to conduct a search for a Georgian translator who can translate in realtime and has
19 experience translating for depositions.

20 5. The parties have also agreed to complete Plaintiff’s FRCP 30(b)(6) person most
21 qualified deposition before the mediation.

22 6. The parties agreed that the deadline by which to complete mediation should be
23 extended to June 30, 2010 and agreed that the rescheduled mediation would go forward with
24 mediator Jeffrey Ross on June 23, 2010. The parties sought and obtained approval of this Court
25 for an extension of the mediation deadline to accommodate this plan.

26 7. Since the first day of Plaintiff’s deposition, Defendant has been engaged in efforts
27 to locate and retain a Georgian interpreter. Those efforts are set forth in detail in the attached
28 declaration of Robb McFadden. To summarize, many translation/interpretation companies have

1 been researched and contacted, and very few of them could locate or offer the services of any
2 interpreter fluent in Georgian at all, much less one qualified to perform real-time interpretation.
3 Very recently, through a company called Interprenet, a interpreter was located, however, she
4 lives in New York City and Defendant would be required to pay her travel expenses, including
5 air fare and accommodations, to secure her presence at a deposition. By the time Defendant was
6 able to confirm that the interpreter offered was qualified to do the deposition, and scheduling
7 discussions were conducted, it was too late to arrange and complete the deposition, and complete
8 the deposition of Defendant's witness in time for the scheduled mediation of June 23.

9 8. I have spoken with the mediator selected by the parties, Jeff Ross, about
10 rescheduling the deposition. He does not have any availability until September 7, 2010.

11 9. The parties therefore once again seek the approval of the court to stipulate to an
12 extension of time within which to conduct the mediation to September 30, 2010. Additionally,
13 the parties request that the court extend the deadline to file a class certification motion until
14 September 30, 2010.

15 WHEREFORE, it is hereby stipulated by and between the parties that the mediation
16 deadline in this matter be continued from June 30, 2010 to September 30, 2010, or such other
17 later date as the Court should determine. The parties further jointly request that the deadline for
18 plaintiff to file a class certification motion be extended to September 30, 2010.

19 Respectfully submitted,

20 Date: June 4, 2010

KINGSLEY & KINGSLEY, APC


21
22
23 By: _____

Eric B. Kingsley
Darren M. Cohen
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Attorneys for Plaintiff
EKA NINUA

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Date: June 4, 2010

SEYFARTH SHAW LLP

By 
Catherine M. Dacre
Amy K. Skryja
Attorneys for Defendant
REGIS CORPORATION

Good cause appearing therefore, as set forth in the above stipulation, the court-ordered deadline for mediation is hereby extended to September 30, 2010 and the deadline for plaintiff to file a class certification brief is extended to September 30, 2010.

IT IS SO ORDERED.

DATED: June 4, 2010


HON. JEFFREY S. WHITE