

1 **IT IS HEREBY STIPULATED**, pursuant to Local Rule 6, by and between plaintiff
2 BIOGENEX LABORATORIES and defendant SENTARA HEALTHCARE, through their
3 attorneys of record, as follows:

4 1. On September 11, 2009, this Court issued an Order Setting Initial Case Management
5 Conference and ADR Deadlines (“Order”). The Order sets November 30, 2009, as the last day to:
6 (a) meet and confer regarding initial disclosures, early settlement, ADR process selection, and
7 discovery plan; (b) file ADR certifications signed by parties and counsel; (c) file either a Stipulation
8 to ADR Process or Notice of Need for ADR Phone Conference.

9 2. The Order further sets December 14, 2009, as the last day to file Rule 26(f) reports,
10 make initial disclosures or state objections, and file a case management statement.

11 3. The Order further set an initial case management conference for December 21, 2009
12 at 4:00 pm.

13 4. The parties previously stipulated to extend the deadline for Defendant to file a
14 responsive pleading to November 20, 2009. On November 20, 2009, Defendant SENTARA
15 HEALTHCARE filed a motion to dismiss for lack of personal jurisdiction and venue, or in the
16 alternative to transfer venue, or to dismiss for failure to state a cause of action upon which relief can
17 be granted (“Motion”).

18 5. The hearing on Defendant’s Motion has been noticed for January 11, 2010.

19 6. The parties met and conferred on November 24, 2009, and decided that it would be
20 most logical to further meet and confer, make initial disclosures, and stipulate to an ADR process,
21 and hold an initial case management conference pending the outcome of the Motion. As such, the
22 parties wish to postpone the deadlines set in the Court’s Order.

23 7. The parties hereby stipulate to meet and confer as soon as practical after the Court
24 issues a decision after the January 11, 2010, hearing on the Motion. The parties further stipulate to
25 file ADR Certifications, a Stipulation to ADR Process or Notice of Need for ADR Phone
26 Conference, file a Rule 26(f) report, make initial disclosures, and file a case management statement
27

1 as soon as practical after the Court issues a decision after the January 11, 2010, hearing on the
2 Motion. There have been no prior modifications to these deadlines.

3 9. The parties request the Court to continue the case management conference pending
4 the outcome of the hearing on the Motion. There has been no prior modification to the date for the
5 case management conference.

6 10. Other than the changes to the deadlines mentioned above, the parties are not aware
7 that the proposed modifications would have any further effect on the schedule for the case.

8 Dated: November 24, 2009

HUFF, POOLE & MAHONEY, P.C.

9
10 By: /s/ Glen A. Huff
11 Glen A. Huff, Esq.
12 Dorinda P. Burton, Esq.
13 Admitted *Pro Hac Vice*
Attorneys for Defendant
SENTARA HEALTHCARE

14 Dated: November 24, 2009

WILSON, ELSER, MOSKOWITZ, EDELMAN &
DICKER LLP

15
16 By: /s/ Robert C. Gebhardt
17 Robert C. Gebhardt
18 Shilpa G. Doshi
Attorneys for Defendant
SENTARA HEALTHCARE

19 Dated November 24, 2009

AKAY SULL LLP

20
21 By: /s/ Douglas N. Akay
22 Douglas N. Akay
23 Attorneys for Plaintiff
BIOGENEX LABORATORIES

24 **ORDER**

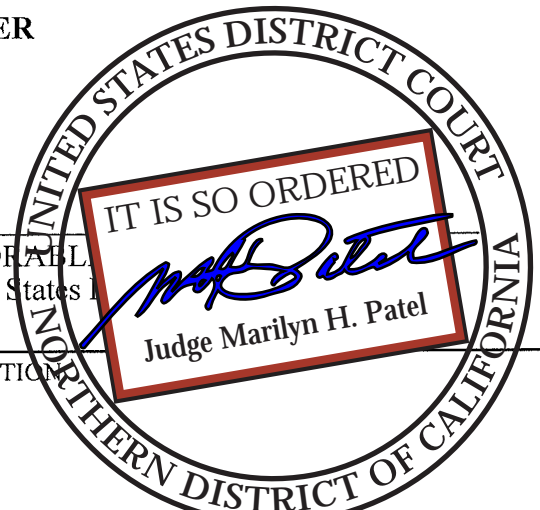
25 **IT IS SO ORDERED.**

26
27 Date: 11/30/2009

28 By: _____
HONORABLE
United States District Court

3

STIPULATION



1 **CERTIFICATE OF SERVICE**

2 *Biogenex Laboratories v. Sentara Healthcare*
3 *USDC NDCA Case #CV09-04210 MHP*

4 I am over the age of eighteen years and am not a party to the within cause. I am
5 employed in the City and County of San Francisco, California and my business address are 525
6 Market Street, 17th Floor, and San Francisco, California 94105-2725. On this date I served the
7 following document(s):

8 **STIPULATION TO EXTEND DEADLINES IN COURT'S ORDER SETTING INITIAL
9 CASE MANAGEMENT CONFERENCE AND ADR DEADLINES**

10 on the part(y)(ies) identified below, through their attorneys of record, by placing true copies thereof
11 in sealed envelopes addressed as shown below by the following means of service:

12 : **By First Class Mail** -- I caused each such envelope, with first class postage thereon fully
13 prepaid, to be deposited in a recognized place of deposit of the U.S. Mail in San Francisco,
14 California, for collection to the office of the addressee following ordinary business practices.

15 : **By Personal Service** -- I caused each such envelope to be given to a courier messenger
16 who personally delivered each such envelope to the office of the address.

17 : **By Overnight Courier** -- I caused each such envelope to be given to an overnight mail
18 service at San Francisco, California, to be hand delivered to the addressee on the next business day.

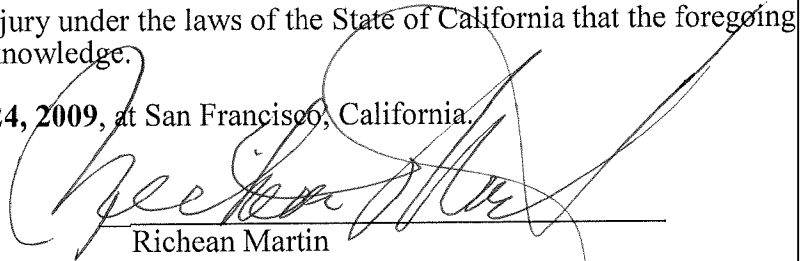
19 : **Facsimile** -- (Only where permitted. Must consult CCP §1012.5 and California Rules of
20 Court 2001-2011. Also consult FRCP Rule 5(e). Not currently authorized in N.D.CA.)

21 **XXX** : **Electronically** on the recipients designated on the Transaction Receipt located on U.S.
22 District Court website.

23 Douglas N. Akay,
24 Harjit K. Sull
25 AKAY SULL LLP
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27 San Francisco, CA 94105
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F: 415-394-5033
dnakay@akaylaw.com
Attorneys for Plaintiff
Biogenex Laboratories

I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct to the best of my knowledge.

EXECUTED on **November 24, 2009**, at San Francisco, California.



Richean Martin