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Attorneys for Defendant
NUMONYX B.V.

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE NORTHERN DISTRICT OF CALIFORNIA
17 SAN FRANCISCO DIVISION

18 JAMES B. GOODMAN,

19 Plaintiff,

20 vs.

21 NUMONYX B.V.,

22 Defendant.
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Case No.: 09 CV 4243 MHP

STIPULATED MOTION TO EXTEND
THE DEADLINE FOR MEDIATION

1 Plaintiff JAMES B. GOODMAN ("Goodman") and Defendant NUMONYX B.V.
2 ("Numonyx B.V.") are submitting this Stipulated Motion to extend the deadline for Mediation for
3 90 days after the Court resolves the issue of jurisdiction.

4 On November 4, 2009, Numonyx B.V. filed a Motion to Dismiss for lack of jurisdiction
5 due to improper service of process (F.R.C.P. 12(b)). No Hearing date has been assigned for the
6 Motion, and the Motion remains undecided by the Court.

7 On January 29, 2010, the Court Ordered mediation within 90 days of that Order (Docket
8 No. 26.)

9 On February 8, 2010, the Court had an Initial Case Management Conference and at that
10 time, the Court invited David Fink, attorney for Plaintiff James B. Goodman, to resolve the issue
11 of service of process raised by Defendant Numonyx B. V. in its Motion by effecting service on the
12 Numonyx B.V. in Switzerland, the country of incorporation of the Dutch company. The Court
13 then ordered the parties to return April 12, 2010 to report as to whether the service of process had
14 been completed, and if Defendant Numonyx B.V. still wants to make its Motion to Dismiss.

15 On February 11, 2010, the Court Staff issued a noticed that "Deadlines terminated".
16 During a telephone conference on February 24, 2010 with Robin Siefkin, attorney from the office
17 of ADR, the attorneys participating, Nicholas Clifford, attorney for Numonyx B.V. and David
18 Fink, attorney for James B. Goodman, were advised by Ms. Siefkin that she thought that the order
19 of February 11, 2010 did not apply to the deadline for the mediation (set in Docket No. 26).

20 Thus, the parties are jointly requesting that the Court reset the deadline for mediation until
21 90 days after the issue of jurisdiction has been resolved by the Court.

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Respectfully submitted,
FINK & JOHNSON

Dated this March 15, 2010

By: /s/ David Fink
David Fink

Attorneys for Plaintiff
James B. Goodman

ARMSTRONG TEASDALE LLP

Dated March 15, 2010

By: /s/ Nicholas B. Clifford, Jr.
Nicholas B. Clifford, Jr

Attorney for Defendant
Numonyx B. V.

ATTESTATION PURSUANT TO GENERAL ORDER 4 5

I, David Fink, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on March 15, 2010 at Houston, Texas.

By: /s/ David Fink
David Fink

So Ordered: 3/16/2010

