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11 Attorneys for Defendant
 12 ROGER SNELL

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

16 BRENT HUTCHINGS, an individual and
 resident of the State of Oregon; WILLIAM R.
 17 WILSON, an individual and resident of the
 State of Pennsylvania,

18 Plaintiffs,

19 vs.

20 SNELL & CO., LLC, a California Limited
 Liability company, ROGER SNELL, resident
 21 of state of California

22 Defendants.

Case No. C09-04680 JSW

**JOINT MOTION TO EXTEND TIME
 TO COMPLETE MEDIATION AND
 MODIFY PRE-TRIAL DATES AT
 NOVEMBER 12, 2010 STATUS
 CONFERENCE
 [PROPOSED ORDER]**

Judge: Honorable Jeffrey White

23
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 25 Pursuant to Local Rule 7-12 and ADR Local Rule 6-5, Plaintiffs Brent Hutchings
 26 and William R. Wilson ("plaintiffs") by and through their attorney of record and
 27 defendant Roger Snell by and through his attorney of record hereby stipulate and jointly
 28 request that the time to complete the mediation in this matter be extended and that the pre-

1 trial dates set in the Court's August 24, 2010 pre-trial order be modified as the Court deems
2 appropriate at the November 12, 2010 Further Case Management Conference.

3 The parties jointly make this request based on the following facts:

4 1) Plaintiff William R Wilson is 83-years old and resides in Malvern, Pennsylvania.
5 Mr. Wilson has some significant ongoing health issues which, if the Court requests,
6 plaintiffs' counsel will provide more information in a confidential manner.

7 2) The parties agreed to an October 20, 2010 mediation date before court appointed
8 mediator John DiNapoli, Esq., to take place at his offices in San Jose, California.

9 3) The Court's August 24, 2010 pre-trial order required that the mediation take place
10 by October 21, 2010, if possible.

11 4) Because of his age, health issues and place of residence, Mr. Wilson requested
12 permission to participate in the mediation by telephone pursuant to ADR Local Rule 6-
13 10(f). Magistrate Judge LaPorte granted this request. (Docket Document No. 48).

14 5) On the evening of October 13, 2010, plaintiff's counsel learned that Mr. Wilson's
15 health issues required him to have surgery on October 15, 2010 and thus he will not be
16 able to participate in the mediation or otherwise actively participate in this case until after
17 he recovers. Plaintiff's counsel will not know Mr. Wilson's likely recovery time until after
18 the surgery takes place.

19 6) As explained at the initial case management conference, both plaintiffs' counsel
20 and defense counsel and their clients believe that this case should be mediated prior to
21 extensive pre-trial discovery costs are incurred and they suggested the pre-trial schedule
22 based on completing a mediation prior to such costs being incurred.

23 7) The parties' counsel will have more information to report on the status of
24 rescheduling a mediation and proposed modification of pre-trial dates at the November 12,
25 2010 status conference.

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1 Based on the foregoing, the parties respectfully request that the Court extend the
2 deadline to complete the mediation until November 30, 2010, or as otherwise modified at
3 the November 12, 2010 status conference.
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5 Dated: October 14, 2010

6 Law Offices of Steven A. Ellenberg

Heffernan Seubert & French

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8
9 By: *s/s Mark V. Boennighausen*

By *Authorized by e-mail to file on his behalf.*

10 Mark V. Boennighausen

William Frimel

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12 Counsel for Plaintiffs

Counsel for Defendant Roger Snell

13
14 **ORDER**

15 Good cause having been shown, the Court grants the parties request to extend the time to
16 complete the mediation until November 30, 2010, or as otherwise modified at the November 12,
17 2010 status conference.
18

19 IT IS SO ORDERED

20
21 Dated: October 18, 2010



U.S. District Court Judge