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12 Attorneys for Defendant
 13 DUC NGUYEN, M.D.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 JOHN TIMOTHY PEREZ,
 18 Plaintiff,
 19 vs.
 20 D. NGUYEN, DR. BOWMAN, P. LA DUKE,
 S.S.A. JONES, B. FRINTZ
 21 Defendants.

Case No. 09-4939 JSW (KAW)

**AMENDED JOINT STIPULATION AND
 [PROPOSED] ORDER TO APPEAR FOR
 SETTLEMENT CONFERENCE**

Action Filed: October 16, 2009

23 The Parties to the above entitled action, Duc Nguyen, M.D. (“Defendant”) and John
 24 Timothy Perez (“Plaintiff”) (collectively referred to herein as the “Parties”), by and through their
 25 undersigned counsel, hereby stipulate and agree as follows:

26 1. WHEREAS, on June 7, 2013, the Parties submitted to a settlement conference
 27 with the Honorable Magistrate Judge Kandis A. Westmore in the above-captioned matter;

1 2. WHEREAS, the Parties were unable to reach a resolution of this matter during the
2 settlement conference. However, Judge Westmore informed the parties she would be willing to
3 hold a subsequent settlement conference if the Parties so desired;

4 3. WHEREAS, the Parties have since engaged in further settlement talks and believe
5 that another settlement conference could likely result in settlement and resolution of this matter;

6 4. WHEREAS, the Parties contacted the Court and met and conferred regarding
7 available dates, and had agreed to attend a settlement conference on Monday, March 3, 2014,
8 beginning at a time deemed appropriate by the Court;

9 5. WHEREAS, shortly after filing a stipulation agreeing to hold the settlement
10 conference on Monday, March 3, 2014, counsel for Plaintiff determined that date was not
11 available, and the Parties agreed to amend the stipulation and schedule the settlement conference
12 on Friday, March 7, 2014 instead;

13 6. WHEREAS, the Parties agree to permit one another to prepare an optional
14 supplemental brief, not to exceed 5 pages in advance of the settlement conference. The Parties
15 further agree any optional supplemental brief shall be submitted to the Court and exchanged by
16 February 28, 2014.

17 **NOW THEREFORE**, all Parties hereto stipulate and agree that the Court may enter an
18 Order that the Parties shall appear for a stipulated settlement conference with Magistrate Judge
19 Kandis A. Westmore on March 7, 2014, at a time deemed appropriate by the Court.

20 The Parties further stipulate and agree that the Court may enter an Order that the Parties
21 shall submit any further optional briefing to the Court and to the opposing party no later than
22 February 28, 2014.

23 The Parties further stipulate and agree that Plaintiff shall be required to appear at the
24 settlement conference via teleconference from Pelican Bay Prison in Crescent City, California.

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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: January 23, 2014

SEYFARTH SHAW LLP

By: /s/ Matthew J. Mason
Francis J. Ortman III
Ari Hersher
Matthew J. Mason
Courtney K. Bohl
Joseph J. Orzano
Attorneys for Plaintiff
JOHN TIMOTHY PEREZ

DATED: January 23, 2014

ANDRADA & ASSOCIATES

By: /s/ Matthew W. Roman
J. Randall Andrada
Matthew W. Roman
Attorneys for Defendant
DUC NGUYEN, M.D.

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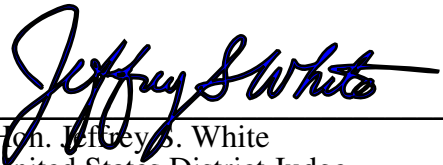
[PROPOSED] ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO ORDERED that the shall appear for a stipulated settlement conference with Magistrate Judge Kandis A. Westmore on Friday, March 7, 2014, at 10:00 [a.m. / ~~p.m.~~].

It is further ordered that, should they choose to do so, the Parties shall submit any further optional briefing to the Court and to the opposing party no later than February 28, 2014. Any such optional briefing may not exceed 5 pages in length.

It is further ordered that Plaintiff John Timothy Perez shall appear at the settlement conference via teleconference from Pelican Bay Prison in Crescent City, California.

DATED: January 23, 2014



Hon. Jeffrey S. White
United States District Judge

It is FURTHER ORDERED that the pretrial and trial dates are HEREBY CONTINUED. The pretrial conference is continued to June 2, 2014 at 2:00 p.m.; the trial is continued to commence on June 23, 2014 at 8:00 a.m.; jury selection is continued to June 18, 2014 at 8:00 a.m. The parties should make themselves familiar with deadlines associated with pretrial filings under this Court's Standing Orders.