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DUC NGUYEN, M.D.

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

17 JOHN TIMOTHY PEREZ,
18 Plaintiff,
19 v.
20 D. NGUYEN, et al.
21 Defendants.

Case No.: 3:09-cv-04939-JSW

**JOINT STIPULATION AND MOTION
TO CONTINUE THE SETTLEMENT
CONFERENCE BEFORE MAGISTRATE
JUDGE WESTMORE; ~~PROPOSED~~
ORDER**

23 Pursuant Civil Local Rule 7-12 of the United States District Court for the Northern District of
24 California, the Parties to the above entitled action, Dr. Duc Nguyen (“Defendant”) and John
25 Timothy Perez (“Plaintiff”) (collectively referred to as the “Parties”), by and through their
26 undersigned counsel, hereby stipulate and agree as follows:

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WHEREAS, on January 31, 2013, Magistrate Judge Kandis A. Westmore noticed a Settlement Conference to occur on April 15, 2013 at 10:00 a.m.;

WHEREAS, on February 19, 2013, the Court issued an order referring the parties to a randomly assigned Magistrate Judge to conduct a settlement conference to be completed by April 25, 2013;

WHEREAS, Defendant is unavailable to be deposed until May 2013, due to personal and professional conflicts;

WHEREAS, Plaintiff does not believe that a Settlement Conference will be productive without first conducting the deposition and reviewing the testimony of Dr. Nguyen

WHEREAS, Defendant has noticed the deposition of Plaintiff for April 25, 2013;

WHEREAS, Defendant believes that the case has a greater likelihood of settling after it has conduct the deposition of Plaintiff;

WHEREAS, both Parties agree to continue the deadline to conduct a settlement conference, until after Plaintiff and Defendant have been deposed, based on the shared belief that such discovery is necessary for the Parties to adequately evaluate their cases and to facilitate potential settlement;

THEREFORE, THE PARTIES HERETO STIPULATE AND RESPECTFULLY REQUEST THAT THE COURT ORDER that the deadline by which a Settlement Conference must be completed, currently set for April 25, 2013 be continued until June 30, 2013.

DATED: April 8, 2013

SEYFARTH SHAW LLP

/s/ Francis Ortman

By _____
Francis Ortman, Esq.
Ari Hersher, Esq.
Matthew Mason, Esq.

Attorneys for Plaintiff
John Timothy Perez

Dated: April 8, 2013

ANDRADA & ASSOCIATES

/s/ Matthew W. Roman

By _____
MATTHEW W. ROMAN
Attorney for Defendant
DUC NGUYEN, M.D.

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PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

The deadline by which a Settlement Conference must be completed, currently set for April 25, 2013 is hereby continued until June 30, 2013.

IT IS SO ORDERED.

Dated: April 8, 2013



JEFFREY S. WHITE
United States District Judge

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