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 CORP. (also erroneously sued as "SPENGER'S  
 9 FRESH FISH GROTTTO")

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15 Attorneys for Plaintiff  
 16 IVAN CORNEJO

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19  
 20 IVAN CORNEJO,  
 21  
 22 Plaintiff,  
 23 v.  
 24 SPENGER'S FRESH FISH GROTTTO,  
 25 MCCORMICK AND SCHMICK  
 RESTAURANT CORP., and DOES 1-10,  
 26  
 27 Defendants.

Case No.: C 09-05564 MHP  
**STIPULATION AND [PROPOSED] ORDER  
 TO CONTINUE DEADLINE ON INSPECTION  
 BY HANDWRITING EXPERT**

Complaint filed: October 22, 2009

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Plaintiff IVAN CORNEJO ("Plaintiff") and Defendant McCORMICK & SCHMICK RESTAURANT CORP. (also erroneously sued as "SPENGER'S FRESH FISH GROTTTO") ("Defendant"), by and through their respective undersigned attorneys, hereby stipulate and agree to continue the date of the Court's Order requiring the parties to resolve the issue of the authenticity of Plaintiff's signature on the Agreement to Arbitrate Disputes dated June 15, 2006 ("Agreement") and submitted to the Court by Defendants in support of Defendant's Motion to Compel Arbitration, as set forth below.

WHEREAS, on March 8, 2010, the Court conducted a hearing on Defendant's Motion to Compel Arbitration, and Plaintiff contested the authenticity of the signature on the Agreement;

WHEREAS on March 8, 2010, the Court filed its Order After Hearing, requiring the parties to resolve the issue of the authenticity of Plaintiff's signature on the Agreement within 45 days;

WHEREAS, on April 2, 2010 the parties stipulated that the issue of the authenticity of Plaintiff's signature on the Agreement would not be submitted to a handwriting expert until after this matter is mediated;

WHEREAS, the mediation in this matter is scheduled for April 27, 2010 and the parties wish to attempt to settle this matter prior to incurring the expense of a handwriting expert;

WHEREAS, the parties have agreed on a handwriting expert to retain for the purposes of settling the issue of the authenticity of Plaintiff's signature on the Agreement;

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NOW, THEREFORE,

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant, by and through their respective undersigned attorneys of record, to continue the date set by the Court for settling the issue of the authenticity of Plaintiff's signature on the Agreement, from April 22, 2010 (45 days after the March 8, 2010 Order) to May 5, 2010:

Good cause exists for this continuance of the existing date by which to settle the issue of the authenticity of Plaintiff's signature on the Agreement, as set forth above.

**IT IS SO STIPULATED.**

Dated: April 21, 2010

SUNDEEN SALINAS & PYLE

By: \_\_\_\_\_ /s/  
Jorge Aguilar II  
Attorneys for Plaintiff IVAN CORNEJO

Dated: April 21, 2010

MILLER LAW GROUP  
A Professional Corporation

By: \_\_\_\_\_ /s/  
Janine S. Simerly  
Attorneys for Defendant  
McCORMICK & SCHMICK RESTAURANT  
CORP. (also erroneously sued as  
"SPENGER'S FRESH FISH GROTTTO")

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**ORDER**

Having reviewed the Stipulation executed by Plaintiff IVAN CORNEJO and Defendant McCORMICK & SCHMICK RESTAURANT CORP., and good cause appearing, the Court hereby orders that the parties resolve the issue of the authenticity of Plaintiff's signature on the Agreement by May 5, 2010.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: 4/22/2010

The Honorable Marilyn H. Patel  
United States District Court  
Northern District of California



4819-3903-2070, v. 1