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 18 MICHAEL GIOSSO

19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA

21 MICHAEL GIOSSO,  
 22  
 23 Plaintiff,  
 24 vs.  
 25 OWENS CORNING, and DOES 1 through  
 50, Inclusive,  
 26 Defendants.

CASE NO. 3:09-CV-05834-CRB

**E-FILING**

**STIPULATION AND [PROPOSED] ORDER  
 EXTENDING THE DEADLINE TO  
 COMPLETE MEDIATION, AND  
 CONTINUING THE CASE MANAGEMENT  
 CONFERENCE  
 [Civil L.R. 6-2]**

1 Plaintiff Michael Giosso (“Plaintiff”) and Defendant Owens Corning Corporation  
2 (“Owens Corning”), by and through their respective counsel, enter into the following Stipulation:

3 WHEREAS, at the Initial Case Management Conference held on March 26, 2010, the  
4 Court ordered that a Further Case Management Conference be held on September 24, 2010 at  
5 8:30 a.m.;

6 WHEREAS, the Court also ordered that mediation be completed before the September 24,  
7 2010 Further Case Management Conference;

8 WHEREAS, on August 17, 2010, Owens Corning submitted a request to Magistrate Judge  
9 Elizabeth D. Laporte, pursuant to ADR Local Rule 6-10, that its representative, James Gibb, be  
10 allowed to participate by telephone in the mediation tentatively set for September 17, 2010;

11 WHEREAS, Plaintiff did not oppose Owens Corning’s request within the time period  
12 specified in ADR Local Rule 6-10(e), or at any time;

13 WHEREAS, on September 7, 2010, Magistrate Judge Laporte issued an order denying  
14 Owens Corning’s request that Mr. Gibb be allowed to participate telephonically in the mediation;

15 WHEREAS, Magistrate Judge Laporte’s September 7 order “strongly encourage[d] the  
16 parties to seek a date on which the key decision makers are available, even if it means seeking an  
17 extension of the deadline to complete the mediation;”

18 WHEREAS, by the time Magistrate Judge Laporte issued the order on September 7, there  
19 were no dates before September 24, 2010 that all parties and the mediator were available to  
20 mediate this case; and

21 WHEREAS, the parties have cooperated in rescheduling the mediation as suggested by  
22 Judge Laporte and have scheduled the mediation on October 13, 2010 at 10:00 a.m. before  
23 Michael Timpane of JAMS.

24 NOW, THEREFORE, THE PARTIES HEREBY AGREE AND STIPULATE that the  
25 deadline to complete mediation is extended to and including October 13, 2010, and that the  
26 Further Case Management Conference is continued to a date after October 13, 2010 that is  
27 convenient to the Court, other than a date during the week of October 18.

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IT IS SO STIPULATED.

Dated: September 10, 2010

Respectfully submitted,

SQUIRE, SANDERS & DEMPSEY, L.L.P.

By: /s/ Robert J. Guite  
Robert J. Guite

Attorneys for Defendant  
OWENS CORNING CORPORATION

Dated: September 10, 2010

RUEB, MOTTA & MANUOKIAN

By: /s/ Joseph A. Motta  
Joseph A. Motta

Attorneys for Plaintiff  
MICHAEL GIOSSO

PURSUANT TO THE PARTIES' STIPULATION AND GOOD CAUSE SHOWN, IT IS  
HEREBY ORDERED that the deadline to complete mediation is extended to and including  
October 15, 2010, and that the Further Case Management Conference is continued to  
October 22, 2010 at 8:30 a.m.

Dated: Sept. 10, 2010

HONORABLE CHARLES R. BREYER  
UNITED STATES DISTRICT COURT

