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 Edward T. Furnace

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO**

13 Edward T. Furnace,
 14
 Plaintiff,
 15
 v.
 16 K. Nuckles et al.,
 17
 Defendants.

Case No. C 09-6075 MMC
**JOINT STIPULATION AND
~~PROPOSED~~ ORDER CONTINUING
 THE SETTLEMENT CONFERENCE
 SET FOR OCTOBER 17, 2014**
 Judge: Hon. Maxine M. Chesney
 Date of Filing: December 30, 2009
 Trial Date: None

20 Plaintiff Edward T. Furnace ("Plaintiff") and Defendants K. Nuckles, J.J. Rodriguez, W.
 21 Rasley, D. Bittner, J. Celaya, J. Rodriguez, A. Butt, R. Lipps, M. Kircher, J. Sensel, M. Atchley,
 22 J. Mora, O. Ponce, and J. Delaney (collectively, "Defendants"), by and through their respective
 23 counsel of record, do hereby stipulate and agree, under Local Rule 7-12, to the filing of this Joint
 24 Stipulation and [Proposed] Order Continuing the Settlement Conference Set for October 17,
 25 2014.

1 WHEREAS, on May 10, 2013, in connection with its summary judgment ruling, this
2 Court referred the case to Magistrate Judge Vadas for settlement talks and entered a stay of
3 further proceedings;

4 WHEREAS, the parties participated in settlement conferences in November 2013 and
5 March 2014, but the case did not settle;

6 WHEREAS, at a status conference on July 22, 2014, Judge Vadas set a further settlement
7 conference for October 17, 2014 at 1:00 p.m.;

8 WHEREAS, on September 17, 2014, pursuant to a stipulation between the parties, the
9 Court modified the stay to allow Plaintiff Edward T. Furnace to file a motion to compel to resolve
10 discovery disputes;

11 WHEREAS, on September 30, 2014, Mr. Furnace filed a Motion to Compel Compliance
12 with Subpoena to the California Department of Corrections and Rehabilitation and noticed the
13 motion for hearing on November 18, 2014 at 9:00 a.m. before Magistrate Judge Laporte; and

14 WHEREAS, the parties agree that further settlement discussions will not be productive
15 until the Court rules on the Motion to Compel.

16 THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between the
17 Parties, through their respective undersigned counsel of record, to continue the further settlement
18 conference currently set for October 17, 2014 to a date after December 18, 2014.

19 IT IS SO STIPULATED.

20
21 Dated: October 6, 2014

KATHERINE L. WAWRZYNIAK
O'MELVENY & MYERS LLP

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24 By: /s/ Katherine L. Wawrzyniak
25 Katherine L. Wawrzyniak
26 *Attorney for Plaintiff*
27 *Edward T. Furnace*
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Dated: October 6, 2014

KAMALA D. HARRIS
Attorney General of California
MARISA Y. KIRSCHENBAUER
Supervising Deputy Attorney General

By: /s/ Michael J. Quinn _____
Michael J. Quinn
Deputy Attorney General
Attorneys for Defendants

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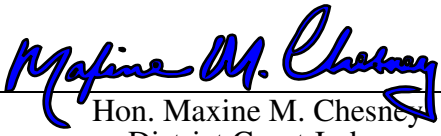
~~PROPOSED~~ ORDER

The Court, having considered the Joint Stipulation and [Proposed] Order Continuing the Settlement Conference Set for October 17, 2014, submitted by the parties, and good cause appearing:

- 1. The Stipulation is approved;
- 2. The parties are hereby DIRECTED to contact Judge Vadas to request a specific date for the further settlement conference.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 7, 2014

By: 
 Hon. Maxine M. Chesney
 District Court Judge