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Attorneys for Plaintiff
MARK DAVID BAKHIT

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SAN FRANCISCO DIVISION

MARK DAVID BAKHIT,

Plaintiff,

v.

POLAR AIR CARGO,

Defendant.

Case No. CV-10-01927-BZ

**STIPULATION & ~~PROPOSED~~ ORDER
CONTINUING DEADLINE FOR INITIAL
DISCLOSURES AND SETTING
DEADLINE TO FILE SECOND AMENDED
COMPLAINT**

[Fed. R. Civ. Proc. 26(a)(1), 29(b); Civ. L.R.
6-2]

Action Filed: May 4, 2010
Trial Date: December 5, 2011

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STIPULATION OF THE PARTIES

WHEREAS, the parties earlier stipulated to allow Plaintiff to file a Second Amended Complaint and to extend the deadline for initial disclosures to a date after that anticipated filing, so that the current deadline for initial disclosures is December 23, 2010, pursuant to the stipulation and the Court's order of December 10, 2010 (docket nos. 33 & 34);

WHEREAS, Plaintiff has required additional time to prepare his Second Amended Complaint and has agreed to provide it to Defendant's counsel no later than December 23, 2010; the parties have agreed to meet and confer promptly thereafter to attempt to resolve informally any arguable deficiencies that might otherwise lead to a motion to dismiss; Plaintiff will then file a Second Amended Complaint, and the parties wish to have that process complete before making their initial disclosures; and

WHEREAS, this case is scheduled for trial on December 5, 2011; continuing the initial disclosure deadline will not delay the trial date or otherwise affect the schedule for this case; and Federal Rule of Civil Procedure 26(a)(1)(A) provides that the deadline to make initial disclosures may be "as otherwise stipulated or ordered by the court";

THEREFORE, the parties to this action, by and through their counsel of record, do hereby stipulate and request the Court to order that the following deadlines apply:

1. On or before 12/23/2010: Plaintiff provides Defendant with the proposed Second Amended Complaint by email;
2. On or before 12/30/2010: Plaintiff and Defendant meet and confer regarding any deficiencies in the proposed Second Amended Complaint that Defendant asserts would be the basis for a motion to dismiss if not rectified;
3. On or before 1/6/2011: Plaintiff files and serves his Second Amended Complaint;
4. On or before 1/14/2011: The parties make their initial disclosures.

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IT IS SO STIPULATED.

Dated: December 22, 2010

MARGOLIS & TISMAN LLP

By: /s/ Mike Margolis
MIKE MARGOLIS
Attorneys for Defendant
POLAR AIR CARGO WORLDWIDE, INC.

Dated: December 22, 2010

LAW OFFICES OF ROBERT LUBIN
By: /s/ Joseph Camenzind
JOSEPH CAMENZIND, IV
Attorneys for Plaintiff
MARK DAVID BAKHIT

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS ORDERED THAT:

1. On or before 12/23/2010, Plaintiff shall provide Defendant with the proposed Second Amended Complaint by email.

2. On or before 12/30/2010, Plaintiff and Defendant shall meet and confer regarding any deficiencies in the proposed Second Amended Complaint that Defendant asserts would be the basis for a motion to dismiss if not rectified.

3. On or before 1/6/2011, Plaintiff shall file and serve his Second Amended Complaint, either in the form originally served on Defendant as a proposed pleading, or as modified to rectify such deficiencies as Defendant may have identified as the intended basis for a motion to dismiss, if any. (Defendant's right to file a motion to dismiss is unaffected by this Order.)

4. On or before 1/14/2011, the parties shall make their initial disclosures.
The notice to dismiss presently scheduled for Feb 2, 2011 is VACATED

DATED: 22 Dec 2010

Bernard Zimmerman
BERNARD ZIMMERMAN
United States Magistrate Judge

Handwritten notes at the bottom of the page, including a signature and a date: "22 Dec 2010".

Handwritten number "35" in blue ink.