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13 Attorneys for Defendants,
 C&H SUGAR COMPANY, INC. and
 14 AMERICAN SUGAR REFINING, INC.

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN FRANCISCO DIVISION**

19 GLEN LEATHERBURY,
 20 Plaintiff,
 21 v.

22 C&H SUGAR COMPANY, INC., a Delaware
 Corporation, AMERICAN SUGAR
 23 REFINING, INC., a Delaware Corporation,
 and DOES 1-100, inclusive,
 24 Defendant.

CASE NO. CV 10-01969 SI
**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE PRE-TRIAL
 DATES**

27 The parties hereby stipulate and agree as follows:
 28 WHEREAS; the parties took longer than expected to complete the electronically stored

1 information (“ESI”) collection due to an error caused by Defendant’s third-party vendor.

2 WHEREAS; the parties have agreed to mediate this matter and would like to do so
3 before incurring expense to prepare and oppose motions for summary judgment.

4 WHEREAS; Plaintiffs would like to complete the depositions of third-party witnesses
5 Francine Cronin and Kim Merritt prior to participating in mediation.

6 THE PARTIES HEREBY AGREE AND REQUEST a continuance of the pre-trial dates
7 as follows:

8 Dispositive motions:

- 9 • Filed by: October 5, 2012
- 10 • Opp. due by: October 19, 2012
- 11 • Reply due by: October 26, 2012
- 12 • Set for hearing no later than November 9, 2012 at 9:00 a.m.

13 Non-Expert Discovery cutoff: October 8, 2012

14 Expert designation: August 17, 2012

15 Rebuttal expert designation: September 17, 2012

16 Expert discovery cutoff: October 8, 2012

17 Pretrial conference: January 7, 2012 at 3:30 p.m.

18 Jury Trial: January 21, 2012 at 8:30 a.m.

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1 DATED: June 11, 2012

GEONETTA & FRUCHT, LLP

2 By: /s/ Kenneth N. Frucht
3 Kenneth N. Frucht, Esq.
4 Frederick J. Geonetta, Esq.
Attorneys for Plaintiffs
5 GLEN LEATHERBURY

6 DATED: June 11, 2012

EPSTEIN BECKER & GREEN, P.C.

7 By: /s/ Lauren M. Cooper
8 Steven R. Blackburn
9 Matthew A. Goodin
10 Lauren M. Cooper
Attorneys for Defendants,
11 C&H SUGAR COMPANY, INC. and
12 AMERICAN SUGAR REFINING, INC.

13 **[PROPOSED] ORDER**

14 IT IS HEREBY ORDERED that the pre-trial dates are continued as follows:

15 Dispositive motions:

- 16 • Filed by: October 5, 2012
- 17 • Opp. due by: October 19, 2012
- 18 • Reply due by: October 26, 2012
- 19 • Set for hearing no later than November 9, 2012 at 9:00 a.m.

20 Non-Expert Discovery cutoff: October 8, 2012

21 Expert designation: August 17, 2012

22 Rebuttal expert designation: September 17, 2012

23 Expert discovery cutoff: October 8, 2012

24 Pretrial conference: ~~January 7,~~ Dec. 18, 2012 at 3:30 p.m.

25 Jury Trial: January ~~21,~~ 22, 2012 at 8:30 a.m.

26 PURSUANT TO THE STIPULATION, IT IS SO ORDERED



27 Date: 6/12/12

28 _____
JUDGE OF THE DISTRICT COURT