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STARCON INTERNATIONAL, INC.

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12 SAN FRANCISCO DIVISION

13 DANIEL MARTIN and ROBEL KELLY,  
individually and on behalf of all others  
14 similarly situated,

15 Plaintiffs,

16 v.

17 STARCON INTERNATIONAL, INC.; and  
DOES 1 through 10, inclusive,

18 Defendant.  
19

Case No. 10-CV-03676 RS

**JOINT STIPULATION AND ~~PROPOSED~~  
ORDER STAYING LAWSUIT PENDING  
COMPLETION OF MEDIATION**

Complaint Filed: April 20, 2010  
1<sup>st</sup> Am. Complaint Filed: July 15, 2010

1 WHEREAS, Plaintiffs Daniel Martin, et al. ("Plaintiffs") filed a Class Action  
2 Complaint against Starcon International, Inc. ("STARCON") in Contra Costa Superior Court on  
3 April 20, 2010;

4 WHEREAS, STARCON filed an Answer to Plaintiffs' Class Action Complaint on  
5 May 27, 2009;

6 WHEREAS, Plaintiffs filed a First Amended Class Action Complaint on  
7 July 15, 2010;

8 WHEREAS, STARCON removed this lawsuit to the United States District Court,  
9 Northern District of California on August 19, 2010;

10 WHEREAS, Plaintiffs moved to remand the lawsuit to Contra Costa Superior Court  
11 on September 17, 2010;

12 WHEREAS, Plaintiffs' motion to remand came on for hearing on November 4, 2010,  
13 at which time the Court took the matter under submission;

14 WHEREAS, the parties have agreed to voluntarily mediate this lawsuit and have  
15 further agreed to seek a stay of the lawsuit in its entirety in an effort to conserve the resources of  
16 both the Court and the parties pending the completion of mediation; and

17 WHEREAS, the parties have agreed that the aforementioned stay shall encompass  
18 Plaintiffs' pending motion to remand, the parties' December 2, 2010 deadline to serve initial  
19 disclosures, and the parties' December 9, 2010 Case Management Conference;

20 THEREFORE, the parties stipulate and agree as follows:

21 1. The above-captioned lawsuit shall be stayed, in its entirety, pending  
22 completion of mediation;

23 2. The Court's ruling on Plaintiffs' motion to remand shall be stayed pending  
24 completion of mediation;

25 3. The parties' December 2, 2010 deadline to serve initial disclosures shall be  
26 stayed pending completion of mediation;

27 4. The parties' December 9, 2010 Case Management Conference shall be reset  
28 following the completion of mediation, if necessary; and



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**ORDER**

Based upon the joint stipulation of all parties in the above-captioned case, and good cause appearing, it is hereby ordered that the case be stayed, in its entirety, pending the parties' completion of mediation. Specifically, this Court's ruling on Plaintiffs' motion to remand shall be stayed pending completion of mediation; the parties' December 2, 2010 deadline to serve initial disclosures shall be stayed pending completion of mediation; and the parties' December 9, 2010 Case Management Conference shall be reset following the completion of mediation, if necessary. The parties will submit a status update to this Court within 90 days of this Order.

**IT IS SO ORDERED.**

**DATED:** 12/3/10

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