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Attorneys for Plaintiffs  
PETER BENKO and DANIEL CRUZ

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

PETER BENKO and DANIEL CRUZ,

Plaintiff,

vs.

CONTRA COSTA COMMUNITY COLLEGE  
DISTRICT,

Defendant.

) Case No.: CV-10-04943 JCS

) **STIPULATION AND ~~PROPOSED ORDER~~ DENYING  
REQUESTING ADDITIONAL TIME TO  
COMPLETE MEDIATION AND  
CONTINUANCE OF CASE MANAGEMENT  
CONFERENCE**

Plaintiffs PETER BENKO and DANIEL CRUZ (collectively "Plaintiffs") and defendant CONTRA COSTA COMMUNITY COLLEGE DISTRICT ("Defendant") submit the following stipulation and proposed order regarding additional time to complete mediation and continuance of the June 10, 2011 case management conference.

**STIPULATION**

At the initial case management conference on February 11, 2011, Plaintiffs and Defendant requested 180 days to complete mediation. The Court denied this request, ordered mediation to be completed within 120 days, and ordered discovery be limited to written discovery and depositions of the two plaintiffs and two to three key decision makers for defendants.

1 Since that date, the parties have diligently moved forward with this case. Among other  
2 things, the parties have conducted an initial call with the mediator, set a mediation date (June 7,  
3 2011), propounded written discovery, and scheduled four depositions to occur in May 2011.

4 The depositions that have been calendared include the two Plaintiffs, as well as two of  
5 Defendant's decision makers. Plaintiffs and Defendant agree that unless these depositions are taken,  
6 the mediation is unlikely to be successful.

7 In late April 2011, Sundeen Salinas & Pyle, the law firm representing the Plaintiffs, learned  
8 that the associate who was preparing to defend the Plaintiffs' depositions and to take one or more of  
9 the Defendants' depositions, would be resigning effective May 6, 2011. This situation will make it  
10 extremely difficult for Sundeen Salinas & Pyle to complete the noticed depositions prior to the  
11 mediation date.

12 Accordingly, the parties are in agreement that a brief continuance of the mediation completion  
13 date for the sole purpose of completing the discovery previously authorized by the Court and  
14 described above is warranted. The parties hereby jointly request that the mediation completion date  
15 be continued from June 11, 2011, to August 10, 2011. If the Court is amenable to this continuance,  
16 then it may also wish to continue the case management conference that is set for June 10, 2011, at  
17 1:30 p.m., to a date after August 10, 2011.

18 SO STIPULATED

19 Dated: April 28, 2011

SUNDEEN, SALINA & PYLE

20 /S/ \_\_\_\_\_

21 By: Hunter Pyle  
22 Attorneys for Plaintiffs  
23 PETER BENKO and DANIEL CRUZ

24 Dated: April 28, 2011

BERTRAND, FOX & ELLIOT

25 /S/ \_\_\_\_\_

26 By: Eugene Elliot  
27 Michael Wenzel  
28 Attorneys for Defendant  
CONTRA COSTA  
COMMUNITY COLLEGE DISTRICT

**ORDER**

For the reasons set forth in the preceding Stipulation, IT IS HEREBY ORDERED THAT:

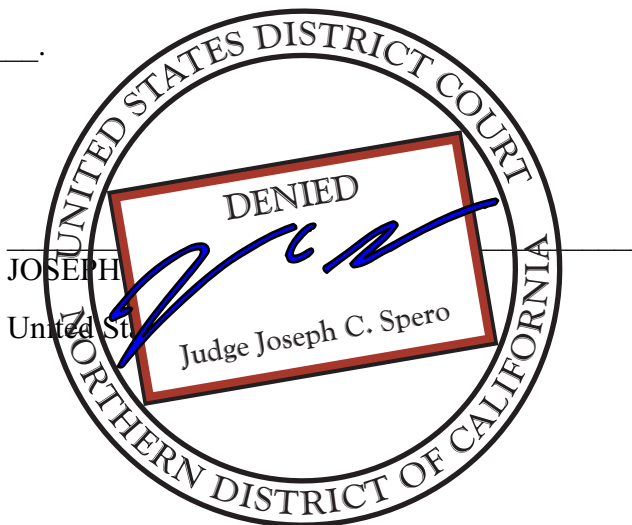
The mediation completion date is continued from June 11, 2011, to August 10, 2011.

The case management conference that is set for June 10, 2011, at 1:30 p.m is continued to

\_\_\_\_\_, 2011, at \_\_\_\_\_.

IT IS SO ORDERED.

Dated: May 2, 2011



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