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20 Attorneys for Defendants  
 21 JANI-KING OF CALIFORNIA, INC., JANI-KING, INC.,  
 22 and JANI-KING INTERNATIONAL, INC.

23 UNITED STATES DISTRICT COURT  
 24 NORTHERN DISTRICT OF CALIFORNIA  
 25 SAN FRANCISCO DIVISION

26 CESAR GARCIA, an individual, )  
 27 )  
 28 Plaintiff, )  
 )  
 v. )  
 )  
 JANI-KING OF CALIFORNIA, INC., a Texas )  
 corporation; JANI-KING, INC., a Texas )  
 corporation; JANI-KING INTERNATIONAL, )  
 INC., a Texas corporation, )  
 )  
 Defendants. )  
 )  
 )

No. C-10-05477 RS

**STIPULATION AND ~~PROPOSED~~  
 ORDER EXTENDING DEADLINES  
 FOR FACT AND EXPERT  
 DISCOVERY CUTOFFS AND FOR  
 PARTICIPATION IN ADR**

1 Pursuant to Civil Local Rule 6-2, Plaintiff Cesar Garcia (“Plaintiff”) and Defendants Jani-  
2 King of California, Inc., Jani-King, Inc., and Jani-King International, Inc. (collectively  
3 “Defendants”) hereby state as follows:

4 1. On April 21, 2011, in its Case Management Scheduling Order (Dkt. 34), the Court  
5 ordered the parties to:

6 a. Participate in private ADR through JAMS or a similar provider to be held  
7 by December 1, 2011, if possible;

8 b. Complete all non-expert discovery on or before December 12, 2011; and

9 c. For Plaintiff to disclose his expert testimony and reports on or before  
10 January 9, 2012, for Defendants to disclose their expert testimony and reports on or before  
11 February 6, 2012, and for all expert discovery to be completed on or before March 9, 2012.

12 2. The parties have met and conferred and agree that they need to complete their  
13 factual discovery, including depositions, and then hold the mediation. The parties have selected  
14 Mark Rudy as the mediator in this matter, and after determining Mr. Rudy’s availability, have  
15 agreed to hold the mediation on January 27, 2012.

16 3. Accordingly, to accommodate the mediation on January 27, 2012, the parties  
17 propose to the Court and hereby stipulate to the following adjustments to the case schedule:

18 a. The parties will participate in mediation in this case on or before January 30,  
19 2012;

20 b. All non-expert discovery shall be completed on or before December 22,  
21 2011; and

22 c. Plaintiff shall disclose his expert testimony and reports on or before January  
23 30, 2012, Defendants shall disclose their expert testimony and reports on or before February 24,  
24 2012, and all expert discovery shall be completed on or before March 9, 2012.

25 4. Under this revised schedule, the parties will be able to finish the non-expert  
26 discovery in December, accommodate the Mediation session with Mr. Rudy on January 27, 2012,  
27 and then, if necessary, engage in and complete the expert discovery process by March 9, 2012, as  
28 previously order by the Court.

1           5. Importantly, this revised schedule does not delay or affect the Court's previously  
2 set dates and schedule for the March 8, 2012 Further Case Management Conference, the April 12,  
3 2012 hearing on pretrial motions, or the other pretrial and trial dates.

4           6. Accordingly, for good cause shown, the parties respectfully request that the Court  
5 approve the modifications to the case schedule described above.

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Dated: November 21, 2011

Respectfully submitted,  
BARTKO ZANKEL TARRANT & MILLER  
FAEGRE & BENSON, LLP

By: /s/ Benjamin K. Riley  
Benjamin K. Riley  
Attorneys for Defendants  
JANI-KING OF CALIFORNIA, INC., JANI-  
KING, INC., and JANI-KING  
INTERNATIONAL, INC.

Dated: November 21, 2011

LAW OFFICES OF DANIEL L. FEDER  
By: /s/ Daniel L. Feder  
Daniel L. Feder  
Attorneys for Plaintiff  
CESAR GARCIA

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**PROPOSED** ORDER

Pursuant to above Stipulation, the Court hereby modifies its April 21, 2011 Case Management Scheduling Order as follows:

1. The parties will participate in mediation in this case on or before January 30, 2012;
2. All non-expert discovery shall be completed on or before December 22, 2011; and
3. Plaintiff shall disclose his expert testimony and reports on or before January 30, 2012, Defendants shall disclose their expert testimony and reports on or before February 24, 2012, and all expert discovery shall be completed on or before March 9, 2012.

**IT IS SO ORDERED.**

Dated: 11/21/11

  
\_\_\_\_\_  
The Honorable Richard Seeberg  
United States District Court Judge