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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

ROBERT SZEGEDY, an individual,

-) Case No.: C 10-05579 EMC
-)
-) **STIPULATION AND [PROPOSED]**
-) **ORDER CONTINUING CASE**
-) **MANAGEMENT CONFERENCE AND**
-) **CASE MANAGEMENT CONFERENCE**
-) **STATEMENT DEADLINE**
-)
-) **Currently Scheduled Conference:**
-) **Date:** October 7, 2011
-) **Time:** 9:00 a.m.
-) **Courtroom:** 5 – 17th Floor
-)
-) Hon. Judge Edward M. Chen, District Judge
-)
-) **Complaint Filed:** December 9, 2010
-)
-) **Trial Date:** TBD
-)
-) (E-Filing)

1 Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and Rule 6-1(b) of the
2 Civil Local Rules of the United States District Court, Northern District of California, Plaintiff
3 ROBERT SZEGEDY, an individual (“Plaintiff”), on the one hand, and Defendant D MONTAG
4 DIVULGAÇÃO LTDA., a Brazilian limited liability partnership (“Defendant”), on the other
5 hand, hereby agree and stipulate as set forth below.

6 This Stipulation and Proposed Order are being submitted for the purpose of continuing
7 the Case Management Conference (“CMC”) in this case, which is currently scheduled for
8 October 7, 2011, to and until October 21, 2011, or to a date thereafter convenient to the Court,
9 as well as continuing the CMC Statement deadline that is tied to the date of the CMC. As set
10 forth in the Recitals below, the parties each believe that good cause exists for the continuation of
11 such CMC in light of the present posture of this case, including the fact that the Default of
12 Defendant was set aside on September 28, 2011.

13 **RECITALS**

14 **WHEREAS**, pursuant to the Case Management Conference Order in Reassigned Cases
15 dated July 1, 2011 (“CMC Order”) (Doc. No. 23), a Case Management Conference in this
16 matter is currently scheduled for October 7, 2011, at 9:00 a.m., in Courtroom 5, 17th Floor,
17 Federal Building, 450 Golden Gate Avenue, San Francisco, California; and

18 **WHEREAS**, the CMC Order requires that the parties file a joint case management
19 statement no later than one week in advance of the case management conference date, or, in this
20 case, September 30, 2011; and

21 **WHEREAS**, this Court issued an Order Granting Defendant’s Motion to Set Aside
22 Entry of Default (Docket No. 37) on September 28, 2011; and

23 **WHEREAS**, the parties are preparing for private mediation of this dispute; and

24 **WHEREAS** Plaintiff and Defendant need extra time to prepare a joint Case Management
25 Conference Statement subsequent to this Court’s September 28, 2011, Order setting aside entry
26 of default;

27 **WHEREAS**, Plaintiff and Defendant agree and stipulate that a continuance of the CMC
28 and CMC Statement deadline to and until October 21, 2011, or to a date thereafter convenient to

the Court would be appropriate; and

WHEREAS, the parties agree and therefore jointly request that the Case Management Conference currently scheduled for October 7, 2011, at 9:00 a.m. be rescheduled to and until October 21, 2011, or to a date thereafter convenient to the Court, as well as continuing the CMC Statement deadline that is tied to the date of the CMC; and

WHEREAS, the requested time modifications would have no substantial effect on the schedule for this case; and

WHEREAS, Rule 6-1(b) of the Civil Local Rules of the United States District Court, Northern District of California, permits the parties to request a modification of fixed deadlines by stipulation in writing; and

WHEREAS, pursuant to Civil Local Rule 6-1(b), a Court Order is required to give effect to this Stipulation; and

STIPULATION

NOW THEREFORE, Plaintiff and Defendant, by and through their respective undersigned counsel, hereby stipulate as follows:

1. Subject to the Court's calendar, the Case Management Conference in this matter shall be continued to and until October 21, 2011, or to a date thereafter convenient to the Court, in Courtroom 5, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California; and

2. The last day to file a joint case management conference statement should be one week in advance of the case management conference date.

SO STIPULATED.

IDELL & SEITEL LLP

Dated: September 29, 2011

/s/ Owen Seitel

Owen Seitel

Elizabeth J. Rest

Attorneys for Plaintiff ROBERT SZEGEDY

LAW OFFICES OF KIRK B. FREEMAN

Dated: September 29, 2011

/s/ Kirk B. Freeman

Kirk B. Freeman

Matthew A. Mallet

Attorneys for Defendant

MONTAG DIVULGAÇÃO LTDA.

SIGNATURE ATTESTATION

I, Kirk B. Freeman, attest that I am one of the attorneys for Defendant MONTAG DIVULGAÇÃO LTDA., and as the ECF user and filer of this document, I attest that, pursuant to General Order No. 45(X)(B), concurrence in the filing of this document has been obtained from Owen Seitel, the above signatory.

Dated: September 29, 2011

By: /s/ Kirk B. Freeman

Kirk B. Freeman

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED that:

1. The Case Management Conference in this matter shall be continued to
Oct. 21, 2011, at 9:00 a.m., in Courtroom 5, 17th Floor, Federal Building, 450 Golden
Gate Avenue, San Francisco, California; and

2. The last day to file a joint case management conference statement shall be one week in advance of the case management conference date.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/3/11