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 4 525 Market Street, 17<sup>th</sup> Floor  
 San Francisco, California 94105  
 5 Telephone: (415) 433-0990  
 Facsimile: (415) 434-1370  
 6

7 Attorneys for Defendant,  
 ACUMED, LLC  
 8

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

11 RANDALL RAY MITCHELL,  
 12 Plaintiff,

13 v.

14 ACUMED, LLC, and DOES 1 through 100,  
 15 inclusive,  
 16 Defendant.

) Case No.: C 11-00752 SC

) **STIPULATION AND [PROPOSED]**  
 ) **ORDER CONTINUING STATUS**  
 ) **CONFERENCE**

) Hon. Samuel Conti

) Dept: Courtroom 1 – 17<sup>th</sup> Floor

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 20 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES HERETO AS FOLLOWS:

21 1. The status conference currently on calendar for June 10, 2011 before this Court  
 22 should be vacated and continued to August 26, 2011 at 10:00 a.m. in Courtroom One.

23 2. Good cause justifies the vacating and continuance of this status conference.

24 Defendant Acumed, LLC (“Acumed”) petitioned for removal from state court to this Court and  
 25 Plaintiff Randall Ray Mitchell (“Plaintiff”) filed a motion for remand to state court. On May 26,  
 26 2011, this Court issued an order requesting supplemental briefing in relation to Plaintiff’s motion  
 27 for remand. By way of this May 26, 2011 order, Acumed’s supplemental brief is due filed June 2,  
 28

1 2011 and Plaintiff's supplemental brief due filed June 9, 2011. A status conference on June 10,  
2 2011 will therefore be premature as Plaintiff's motion for remand will not yet be resolved. Should  
3 Plaintiff's motion for remand to state court be granted, the status conference before this Court will  
4 have been an inefficient use of judicial time and court resources.

5 3. The parties therefore respectfully request that the Court issue an order consistent  
6 with this stipulation, vacating the June 10, 2011 status conference and continuing it to the next  
7 available status conference date, August 26, 2011 at 10:00 a.m. in Courtroom One. A joint status  
8 conference statement shall be due filed by the parties no later than seven (7) days prior to the status  
9 conference date.

10 SO STIPULATED.

11 DATED: June 1, 2011

12 WILSON, ELSER, MOSKOWITZ,  
13 EDELMAN & DICKER LLP

14 /s/ Beth Fruechtenicht-Aney

15 By: \_\_\_\_\_

16 Genese K. Dopson  
17 Beth Fruechtenicht Aney  
18 Attorneys for Defendant  
19 ACUMED, LLC

20 DATED: June 1, 2011

21 LAW OFFICES OF J. FRANK GEORGE, APC

22 /s/ J. Frank George

23 By: \_\_\_\_\_

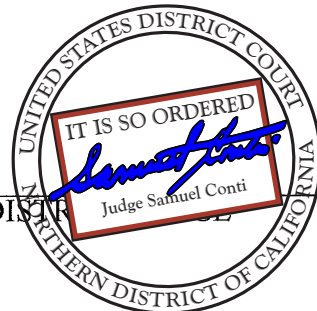
24 J. Frank George  
25 Attorneys for Plaintiff  
26 Randall Ray Mitchell

27 \*\*\* ORDER \*\*\*

28 IT IS SO ORDERED.

Dated: June 1, 2011

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA



**CERTIFICATE OF SERVICE**

*Randall Ray Mitchell v. Acumed, LLC*

*United States District Court, Northern District of California*

*Court Case No.: C 11-00752 SC*

At the time of service I was over 18 years of age and not a party to this action. I am employed by WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP. My business address is 525 Market Street, 17<sup>th</sup> Floor, San Francisco, California 94105. My business telephone number is (415) 433-0990; my business fax number is (415) 434-1370. On this date I served the following document(s):

**STIPULATION AND [PROPOSED] ORDER CONTINUING STATUS CONFERENCE**

on the person or persons listed below, through their respective attorneys of record in this action, by placing true copies thereof in sealed envelopes or packages addressed as shown below by the following means of service:

: **By United States Mail.** I placed the envelope(s) for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

: **By Overnight Delivery.** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and address to the persons at the addresses below. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

: **By Messenger Service.** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed below and provided them to a professional messenger service for service.

: **By Fax Transmission.** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed below. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which was printed out, is attached.

: **By Electronic Service.** Based on a court order or an agreement of the parties to accept service by electronic transmission, I caused the documents to be sent to the persons at the electronic notification addresses listed below.

J. Frank George, Esq.  
912 Lootens Place, Second Floor  
San Rafael, CA 94901  
Ph: 415.456.2040  
Fax: 415.456.5887

*Attorneys for Plaintiff  
Randall Ray Mitchell*



1 GENESE K. DOPSON (SBN 108333)  
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Email: [Beth.Aney@WilsonElser.com](mailto:Beth.Aney@WilsonElser.com)  
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9 **UNITED STATES DISTRICT COURT**  
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8 conference statement shall be due filed by the parties no later than seven (7) days prior to the status  
9 conference date.

10 SO STIPULATED.

11 DATED: June 1, 2011

WILSON, ELSER, MOSKOWITZ,  
EDELMAN & DICKER LLP

*/s/ Beth Fruechtenicht-Aney*

14 By: \_\_\_\_\_

15 Genese K. Dopson  
16 Beth Fruechtenicht Aney  
Attorneys for Defendant  
ACUMED, LLC

17 DATED: June 1, 2011

LAW OFFICES OF J. FRANK GEORGE, APC

*/s/ J. Frank George*

19 By: \_\_\_\_\_

20 J. Frank George  
21 Attorneys for Plaintiff  
Randall Ray Mitchell

22 \*\*\* ORDER \*\*\*

23 IT IS SO ORDERED.

24 Dated: \_\_\_\_\_

25 \_\_\_\_\_  
26 UNITED STATES DISTRICT JUDGE

**CERTIFICATE OF SERVICE**

*Randall Ray Mitchell v. Acumed, LLC*

*United States District Court, Northern District of California*

*Court Case No.: C 11-00752 SC*

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J. Frank George, Esq.  
912 Lootens Place, Second Floor  
San Rafael, CA 94901  
Ph: 415.456.2040  
Fax: 415.456.5887

*Attorneys for Plaintiff  
Randall Ray Mitchell*

1 I declare under penalty of perjury under the laws of the State of California that the  
2 foregoing is true and correct to the best of my knowledge.

3 EXECUTED on June 1, 2011 at San Francisco, California.

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5 /s/ Richean Martin  
6 Richean Martin  
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