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Attorneys for Defendant  
 THE NEIMAN MARCUS GROUP, INC.

11 UNITED STATES DISTRICT COURT  
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 13 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

14 TAYLOR BAYER,  
 15  
 16 Plaintiff/Appellee,  
 17  
 18 v.  
 19 NEIMAN MARCUS HOLDINGS, INC.,  
 20 Defendant/Appellant.

Case No. 11-CV-03705-MEJ  
 (Assigned for all purposes to Honorable  
 Maria-Elena James)

**STIPULATION FOR EXTENSION OF  
 DATES FOR ADR AND CASE  
 MANAGEMENT CONFERENCE  
 PENDING RESOLUTION OF  
 MOTION FOR STAY**

Courtroom: B  
 Judge: Hon. Maria-Elena James

23 WHEREAS, Defendant/Appellant NEIMAN MARCUS GROUP, INC. (“NMG”) has  
 24 filed a motion for stay of district court proceedings during the pendency of its appeal of the  
 25 Court’s order denying NMG’s motion to compel arbitration (docket no. 30).

26 WHEREAS, NMG and Plaintiff/Appellee TAYLOR BAYER (“Bayer”) have conferred  
 27 regarding said motion, and Bayer does not intend to oppose NMG’s motion for stay.

28 WHEREAS, pursuant to the parties’ prior Stipulation for Extension of Dates (docket no.

1 25), the parties must file an ADR Certification and Stipulation to ADR Process or Notice of Need  
2 for ADR Conference by December 22, 2011; file a Joint Case Management Conference Statement  
3 by January 5, 2012; exchange Initial Disclosures by January 5, 2012; and attend an Initial Case  
4 Management Conference at 10:00 a.m. on January 12, 2012.

5 WHEREAS, a stay of the trial court action, if granted, would result in a stay of discovery  
6 and ADR proceedings in the trial court and obviate the present need for a case management  
7 conference and order until the appeal before the Ninth Circuit Court of Appeals has been  
8 completed.

9 **IT IS HEREBY STIPULATED AS FOLLOWS:**

10 1. In light of Defendant's pending Motion for Stay and the parties' desire to have that  
11 Motion determined before they conduct the various case management and pre-trial matters, the  
12 deadlines (1) to file an ADR Certification signed by Parties and Counsel, (2) to file either a  
13 Stipulation to ADR Process or Notice of Need for ADR Phone Conference, (3) to file a Joint Case  
14 Management Conference Statement, and (4) to exchange Initial Disclosures shall be deferred  
15 indefinitely if this Court grants the Motion for Stay. In the event the Court denies said motion,  
16 said deadlines shall be deferred until 30 days after the entry of the Court's order.

17 1. The Initial Case Management Conference, currently scheduled for January 12,  
18 2012, shall be cancelled and rescheduled in accordance with the foregoing.

19  
20 Dated: December 20, 2011

JACKSON LEWIS LLP

21  
22 By: /s/ Karen E. Griffin

23 JoAnna Brooks  
24 Karen E. Griffin  
25 Dan Hartsfield  
26 Allyson L. Johnson

27 Attorneys for Defendant/Appellant  
28 The NEIMAN MARCUS GROUP,  
INC.

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Dated: December 20, 2011

McGUINN HILLSMAN & PALEFSKY

By:  /s/ Keith Ehrman  
Cliff Palefsky  
Keith Ehrman

Attorneys for Plaintiff/Appellee  
TAYLER BAYER

**IT IS SO ORDERED.**

Dated: December 20, 2011

  
\_\_\_\_\_  
HONORABLE MARIA-ELENA JAMES  
United States Magistrate Judge

4817-5595-2142, v. 1