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VICENTE T. OBICO
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10 IN THE UNITED STATES DISTRICT COURT
11 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION

13 VICENTE T. OBICO,
14 Plaintiff,
15 v.
16 MISSION CREEK SENIOR
COMMUNITY/MERCY HOUSING INC.,
17 Defendant.

Case No. 3:11-cv-03932 JSW
**STIPULATION AND ~~PROPOSED~~
ORDER TO AMEND COURT'S MINUTE
ORDER DATED JUNE 15, 2012,
REGARDING DEADLINE TO
COMPLETE MEDIATION**

Complaint filed: August 10, 2011
Trial Date: April 29, 2013

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20 Plaintiff VICENTE T. OBICO (hereinafter "Plaintiff") by his attorneys, Clyde & Co US
21 LLP, and Defendant MISSION CREEK SENIOR COMMUNITY/MERCY HOUSING INC.
22 (hereinafter "Defendant"), by and through its attorneys, Simpson, Garrity, Innes & Jacuzzi, P.C.,
23 hereby agree and stipulate as follows:

24 WHEREAS, on June 15, 2012, this Court issued a Minute Order to complete an
25 Alternative Dispute Resolution Mediation (hereinafter "mediation") by October 15, 2012; and
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1 WHEREAS, on July 17, 2012, Plaintiff served requests for production of documents and
2 interrogatories on Defendant, with responses due on August 20, 2012; and

3 WHEREAS, on July 27, 2012, Defendant served document requests on Plaintiff, with
4 responses due on August 29, 2012; and

5 WHEREAS, the parties agree that the parties' responses to the written discovery should be
6 served prior to conducting any depositions; and

7 WHEREAS, the parties agree that Plaintiff's deposition and the depositions of at least the
8 three key employees of Defendant should be conducted prior to the mediation, so that the parties
9 will have a factual basis on which to evaluate their claims and defenses prior to discussing
10 settlement; and

11 WHEREAS, Plaintiff has identified three key employees or representatives of Defendant
12 that he intends to depose: Jose A. Vega; Jacquie Hoffman; and Aric Alvarez; and

13 WHEREAS, the parties have met and conferred pursuant to the Local Rules on the
14 availability of these three witnesses for deposition; and

15 WHEREAS, Defendant's counsel has advised Plaintiff's counsel that Jose A. Vega will be
16 out of the country for the entire month of September and will not be available for his deposition,
17 Aric Alvarez is out of the country from September 10 through September 28, 2012, and Jacquie
18 Hoffman is on vacation from September 7 to October 6, 2012; and

19 WHEREAS, the earliest time to depose defense witnesses will thus be October 2012; and

20 WHEREAS, the parties would like to have copies of the deposition transcripts prior to the
21 mediation; and

22 WHEREAS, on July 26, 2012, the parties participated in a pre-mediation telephone
23 conference with the court-appointed mediator, James V. Fitzgerald, during which the discovery
24 issues were discussed; and

25 WHEREAS, the parties agree that a three week extension of time, up to and including
26 November 5, 2012, will allow the parties sufficient time to complete key depositions and will
27 cause the mediation to be more productive; and

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1 WHEREAS, Mr. Fitzgerald advised the parties that he was amenable to extending the
2 mediation deadline for three weeks, to November 5, 2012, to allow the parties sufficient time to
3 prepare for the mediation; and

4 WHEREAS, the proposed discovery deadline will not affect the discovery cut-off date, the
5 trial date, or any other dates set by this Court; and

6 WHEREAS, there have been no previous requests for time modifications in this case;

7 THEREFORE, by and through their attorneys of record, the parties stipulate as follows:

8 The mediation deadline shall be continued to November 5, 2012.

9 **IT IS SO STIPULATED.**

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11 Dated: 8/17/12, 2012

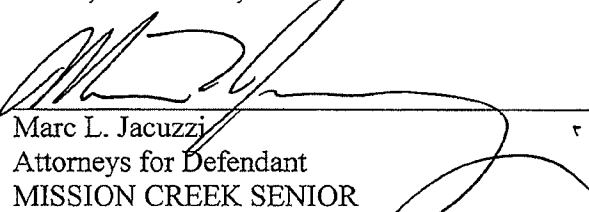
CLYDE & CO US LLP

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13 By: /s/ David A. Gabianelli

David A. Gabianelli
Attorneys for Plaintiff
VICENTE T. OBICO

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16 Dated: 8/15, 2012

SIMPSON, GARRITY, INNES & JACUZZI

17
18 By: 
19 Marc L. Jacuzzi

Attorneys for Defendant
MISSION CREEK SENIOR
COMMUNITY/MERCY HOUSING INC.

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22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

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24 Dated: August 21, 2012


25 JEFFREY S. WHITE
26 United States District Judge

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