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1 IT IS HEREBY STIPULATED by and between Plaintiff, U.S. Equal Employment
2 Opportunity Commission, Plaintiff-Intervenor, Jerry Gallon, and Defendants, McKinney-Griff,
3 Inc. dba Merritt Restaurant & Bakery, The Merritt Restaurant, Inc., Merritt Bakery Café, LLC
4 dba Merritt Restaurant & Bakery, (collectively, “the Parties”), through their respective counsel
5 of record, as follows:

6 WHEREAS, the Parties are in communication and are engaging in early settlement
7 discussions in an effort to resolve this lawsuit;

8 WHEREAS, Defendants have represented to Plaintiff and Plaintiff-Intervenor that their
9 financial condition is precarious and they are trying to keep the costs of litigation to a minimum;

10 WHEREAS, the Parties would like to avoid the expense and inconvenience of litigating
11 this case at the same time the parties are negotiating settlement;

12 WHEREAS, the Parties intend to submit a stipulation to the Court seeking a referral to
13 the ADR program;

14
15 THEREFORE, the Parties stipulate to and respectfully request a two-month continuance
16 of the Case Management Conference from March 8, 2012 to May 10, 2012; the Joint Case
17 Management Statement would be due on May 3, 2012. The Parties will use the intervening
18 period to negotiate in good faith to try to resolve the lawsuit and utilize the court’s ADR
19 program.

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21 ****signatures on following page****
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1 Respectfully submitted,

2 Dated: February 23, 2012

3 //s// Jinny Kim
4 JINNY KIM
5 Attorney for Jerry Gallon

6 Dated: February 23, 2012

7 //s// Jonathan Peck
8 JONATHAN PECK
9 Attorney for Plaintiff EEOC

10 Dated: February 22, 2012

11 //s// Kendall Burton
12 Kendall Burton
13 Attorney for Defendants

14 E-filing concurrence: I, Jinny Kim, attorney for Plaintiff-Intervenor Jerry Gallon, attest
15 that I have obtained the concurrence of Jonathan Peck, attorney for Plaintiff EEOC, and Kendall
16 Burton, attorney for Defendants, for the filing of this pleading.

17 Dated: February 23, 2012

18 /S/ Jinny Kim
19 JINNY KIM

1 **[PROPOSED] ORDER**

2 For good cause shown and pursuant to the Stipulation of the Parties, it is hereby ordered
3 that the Case Management Conference will be continued for two-months and shall be held on
4 May 10, 2012 in the event that the parties are not able to successfully settle the case. The parties
5 shall file a Joint Case Management Conference Statement at least one week prior to the
6 Conference.

7 **IT IS SO ORDERED.**

8 Dated: February 23, 2012

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10 RICHARD SEEBORG
11 United States District Court Judge