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 SALESFORCE.COM, INC.

12
 13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15

16 STEVEN L. LORAIN,
 17 Plaintiff,
 18 v.
 19 SALESFORCE.COM, INC.,
 20 Defendant.
 21
 22

Case No. C11-4934 EMC

**STIPULATION REGARDING TRANSFER
 OF CASE FROM THE HONORABLE
 JUDGE CHEN AND RESPONSIVE
 PLEADING AND [PROPOSED] ORDER**

COMPLAINT FILED: October 5, 2011
 TRIAL DATE: No date set.

1 IT IS HEREBY STIPULATED by and between the parties to this action, Steven Lorain,
2 through his attorney Ellen C. Dove, and Salesforce.com, now appearing through its attorney Arthur
3 M. Eidelhoch of Littler Mendelson, that the above action may and will be reassigned and transferred
4 from the Honorable Edward M. Chen. The parties make this stipulation with regard to the
5 following:

6 Both of the parties and the Court have been advised of the existence of a conflict or potential
7 conflict of interest between the Honorable Edward M. Chen and counsel for Plaintiff and also
8 counsel for Defendant.

9 The parties understand the Court will reassign this matter. The parties request reassignment
10 to an Article III Judge, and not a Magistrate Judge. The parties do not by way of this stipulation
11 consent to be reassigned to a Magistrate Judge.

12 Plaintiff has a pending motion and Plaintiff would like for the briefing schedule and hearing
13 date (December 2, 2011) to remain intact, if possible. Currently, Defendant's opposition is due on or
14 before November 14, 2011 and Plaintiff's reply is due on or before November 18, 2011. The parties
15 will comply with those briefing deadlines. In the event the reassigned Judge is unable to hear
16 Plaintiff's pending motion on December 2, 2011, Defendant will not object to the earliest new
17 hearing date the Court can assign, provided that the parties will meet and confer to ensure that
18 counsel are available.

19 Defendant's responsive pleading shall be filed on or before November 23, 2011. The parties'
20 stipulation in this regard does not alter the date of any hearing or deadline set by the Court.

21 It is Plaintiff's position that time is of the essence as to a potential impending termination of
22 his COBRA benefits on December 31, 2011.

23 Dated: November 14, 2011

Respectfully submitted,

24
25 /s/ Ellen C. Dove

26 Ellen C. Dove
27 Law Offices of Ellen C. Dove
28 Attorneys for Plaintiff
STEVEN L. LORAIN

1
2 I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS
3 ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN IT.

4 Dated: November 14, 2011

Respectfully submitted,

6 /s/ Arthur M. Eidelhoch

7 Arthur M. Eidelhoch

LITTLER MENDELSON, P.C.

A Professional Corporation

8 Attorneys for Specially Appearing Defendant

SALESFORCE.COM, INC.

9 **IT IS SO ORDERED**

10
11 Consistent with the parties' Stipulation, notice regarding reassignment of this case and the
12 hearing date for the above-referenced motion shall be forthcoming from the Court. This Court
13 hereby recuses itself from any and all further proceedings in this matter. The Clerk of the Court
14 shall reassign this case to another District Judge.

Dated: Nov. 16, 2011

15 By: _____

The Honorable Edward M. Chen
United States District Judge

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17 Firmwide:105144586.1 068297.1003

