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13	FRITO-LAY NORTH AMERICA, INC. and PEPSICO, INC.				
14	LIMITED STAT	ES DISTRICT COURT			
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16	NORTHERN DISTRICT OF CAL	IFORNIA, SAN FRANCISCO DIVISION			
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18	JESSE HOUGHTAILING,	CASE NO. 3:11-cv-05062-TEH Judge: Hon. Thelton E. Henderson			
19	Plaintiff,	STIPULATION AND REQUEST TO			
20	v.	CONTINUE ENTRY OF DISMISSAL; [PROPOSED] ORDER GRANTING			
21	FRITO-LAY NORTH AMERICA, INC., and PEPSICO, INC., AND DOES 1 TO 100,	CONTINUANCE			
22	inclusive,	IT IS SO ORDERED AS MODIFIED			
23		Action Filed: August 24, 2011			
24		Removal Filed: October 14, 2011 Trial Date: None Set			
25	Defendants.				
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TO THIS HONORABLE COURT:

Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and Defendants Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their counsel, do hereby agree, stipulate, and respectfully request as follows:

- 1. WHEREAS, on November 19, 2012, the court entered its Order of dismissal, 60 days following, conditioned upon the performance of the settlement agreement or objection by a party;
- 2. WHEREAS, on February 19, 2013, the Court extended the dismissal deadline to March 18, 2013.
- 3. WHEREAS, on March 18, 2013, the Court extended the dismissal deadline to April 8, 2013.
- 4. WHEREAS, the parties have finalized the wording of the Release and Settlement Agreement, but the consideration has not been exchanged;
- 5. WHEREAS, the parties need additional time to obtain the necessary approval from the Workers' Compensation Appeals Board, and believe they will have a finalized agreement no later than the end of April, 2013;
- 6. THE PARTIES HEREBY STIPULATE to continue the currently scheduled Dismissal up to and including April 19, 2013, and request the Court to so Order.

IT IS SO STIPULATED.

Dated: April 5, 2013	DuCHARME & COHEN
	By <u>s/James A. DuCharme</u> JAMES A. DuCHARME
	Attorneys for Plaintiff JESSE HOUGHTAILING

CASE NO. 3:11-cv-05062-TEH

1	Dated: April 5, 2013	VILLARREAL HUTNER & TODD PC
2		
3		By /s/ Julie Wong TRACY S. TODD
4		JULIE WONG
5		Attorneys for Defendants FRITO-LAY NORTH AMERICA, INC.
6		and PEPSICO, INC.
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ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

I attest that concurrence in the filing of this document by the signatory James A. Du Charme, has been obtained, and that a record of the concurrence shall be maintained by Villarreal Hutner & Todd PC.

I declare under penalty of perjury pursuant to the laws of the United States of America that the foregoing is true and correct.

Executed at San Francisco, California this 5th day of April, 2013

/s/ Julie Wong	
Julie Wong	

[PROPOSED] ORDER

2012.

Dated: ______, 2013

IT IS SO ORDERED.

in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-

ABSOLUTELY no further extensions shall be granted.

TEH, be continued to April 19, 2013, on the same conditions as this Court's Order of November 19,

Having considered the foregoing stipulation of the parties, the Court orders the Dismissal

HONE TO Judge Thelton E. Henderson RESON