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 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 MICHAEL A. VILLALOBOS,)	No. C 12-00138 MEJ
)	
13 Plaintiff,)	STIPULATION TO CONTINUE ADR
)	DEADLINE; [PROPOSED] ORDER
14 v.)	
)	
15 TOM J. VILSACK, Secretary, U.S.)	
16 Department of Agriculture)	
)	
17 Defendants.)	
)	
18 _____)	

19 Pursuant to Local Civil Rules 6-1 and 6-2, defendant Tom J. Vilsack, Secretary of the
 20 United States Department of Agriculture (“Defendant”) and plaintiff Michael A. Villalobos
 21 (“Plaintiff”), by and through their respective counsel, hereby jointly and respectfully request that
 22 the Court continue the Alternative Dispute Resolution (“ADR”) deadline in this matter for at
 23 least ninety days. In accordance with Local Civil Rule 6-2(a), this stipulation is supported by the
 24 Declaration of Ann Marie Reding and a proposed order, which are filed herewith. The parties
 25 stipulate as follows:

- 26 1. On January 6, 2012, Plaintiff, then *pro se*, filed his Complaint in this case. *See*
 27 Docket No. 1. On May 12, 2012, Defendant filed an answer to Plaintiff’s Complaint. *See*
 28 Docket No. 18.

STIPULATION TO CONTINUE DATE OF INITIAL CMC; [PROPOSED] ORDER
 C 12-00138 MEJ

1 2. On July 26, 2012, the Court referred this case to mediation with the deadline to be
2 measured out ninety days after Defendant filed an answer to Plaintiff's anticipated amended
3 complaint. *See* Docket No. 34. On July 31, 2012, Plaintiff, then represented by counsel, filed a
4 First Amended Complaint. *See* Docket No. 35.

5 3. On October 15, 2012, and after briefing and a subsequent order granting, in part,
6 Defendant's motion to dismiss, Defendant filed an answer to Plaintiff's First Amended
7 Complaint. *See* Docket Nos. 37-42.

8 4. Based the Court's July 26, 2012 notice, the deadline for the parties to mediate this
9 case is ninety days from Defendant's answer, or January 13, 2012. *See* Declaration of Ann
10 Marie Reding ("Reding Decl."), ¶ 5.

11 5. Although the parties agreed to attend a mediation with Martin Dodd on January
12 10, 2013, after an exchange of limited discovery and Plaintiff's deposition, the parties realized
13 this case is not yet ripe for mediation. In order to better facilitate settlement discussion, the
14 parties would like to engage in further discovery. *See* Reding Decl., ¶ 6.

15 6. On January 7, 2013 the parties agreed to file this stipulation with the Court and
16 notify the mediator of their need for additional time to conduct discovery. The parties agreed to
17 contact the mediator after further discovery to evaluate whether the case will be more suitable
18 for settlement negotiations at that time. *See id.* at ¶ 7.

19 7. No prior extensions of time have been requested or granted. *See id.* at ¶ 8.

20 8. The requested time modification will not impact any other deadline imposed by
21 Court. *See id.* at ¶ 9.

22 9. In light of the foregoing, the parties request that the Court continue the last day to
23 mediate this case until April 30, 2013.

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DATED: January 10, 2013

Respectfully submitted,

/s/ Jason Erlich¹
JASON ERLICH
Attorney for Plaintiff

DATED: January 10, 2013

Respectfully submitted,
MELINDA HAAG
United States Attorney

/s/ Ann Marie Reding
ANN MARIE REDING
Assistant United States Attorney
Attorneys for Defendant

~~PROPOSED ORDER~~

Plaintiff and Defendant's Stipulated Request to Continue the ADR deadline is hereby
GRANTED. The last day to mediate this case is continued until April 30, 2013.

Date: January 11, 2013

HON. MARIA-ELENA JAMES
United States Magistrate Judge

¹ I, Ann Marie Reding, attest that concurrence in the filing of this document has been obtained from the other signatories listed on this document except where otherwise indicated, in accord with the Northern District of California's Local Rule 5-1.