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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MICHAEL BAIRD,  
Plaintiff,  
v.  
OFFICE DEPOT,  
Defendant.

Case No. 3:12-CV-06316-EMC  
**REQUEST AND ~~PROPOSED~~ ORDER TO  
CONTINUE DISCOVERY HEARING SET  
FOR OCTOBER 9, 2013**  
**DATE: October 9, 2013**  
**TIME: 1:00 p.m.**  
**COURTROOM: A**  
**JUDGE: Magistrate Judge Nathanael Cousins**

Defendant Office Depot Inc., hereby requests that this Court continue the discovery hearing in this case, currently scheduled for October 9, 2013 at 1:00 p.m., to the next available court date. This Request is not brought to delay this matter or for any improper purpose.

On September 26, 2013, this Court set a discovery hearing in this matter for October 9, 2013 at 1:00 p.m. Unfortunately, counsel for Defendant Office Depot, Inc. is required to attend a previously scheduled, non-refundable mediation in another matter, a class action, also on October 9, 2013. Pursuant to Civil Local Rule 7-11, Counsel for Defendant requested that Plaintiff Michael Baird stipulate to the continuance of this hearing, but Plaintiff refused. See Declaration of Alexa Woerner in Support of Defendant’s Request to Continue Discovery Hearing at ¶¶ 4-5. Accordingly,  
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(NO. 3:12-CV-06316-EMC)

**REQUEST AND ~~PROPOSED~~ ORDER  
TO CONTINUE DISCOVERY HEARING**

1 Defendant now brings this request for a continuance of the October 9, 2013 discovery hearing in this  
2 case to the next available court date.

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6 Dated: October 3, 2013

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*/s/ Alexa Woerner*  
MICHAEL E. BREWER  
ALEXA L. WOERNER  
LITTLER MENDELSON, P.C.  
Attorneys for Defendant  
OFFICE DEPOT, INC.

10 **~~PROPOSED~~ ORDER**

11 Good cause appearing, the Court hereby continues the discovery hearing in this matter,  
12 currently scheduled for October 9, 2013, at 1:00 p.m. to October 16, 2013 at 1:00 p.m.

13 **IT IS SO ORDERED.**

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15 Dated: October 3, 2013

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HON. NATHANAEL M. COUSINS  
UNITED STATES DISTRICT COURT  
MAGISTRATE JUDGE

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