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15 Attorneys for Defendant Microsoft Corporation

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

20 MAHMOUD KEDKAD

No. C 3:13-CV-00141 TEH

21 Plaintiff(s),

**STIPULATION TO ALLOW LATE  
 FILING OF OPPOSITION TO MOTION  
 TO DISMISS COMPLAINT;  
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 28  
 DECLARATION; [PROPOSED] ORDER**

v.

24 MICROSOFT CORPORATION, INC., et.  
 al.

25 Defendant(s).  
 \_\_\_\_\_/

27 The parties hereto, by and through their undersigned counsel, stipulate, subject to  
 28 approval of the court, to relieve Plaintiff from his failure to file timely opposition to Defendant's

1 previously filed Motion to Dismiss the Complaint ("Motion"), and to allow Plaintiff to file  
2 opposition to the Motion by no later than June 5, 2013, with any reply by Defendant then to be  
3 filed by June 12, 2013, and the hearing to be re-noticed for July 8, 2013 at 10:00 a.m.

4 DATED: May 1, 2013

DATED: May 1, 2013

5 /s/ Michael E. Adams

/s/ Devin Slack

6 \_\_\_\_\_  
7 Attorney for Plaintiff  
MAHMOUD KEDKAD

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Attorney for Defendant  
MICROSOFT CORPORATION

8 **DECLARATION**

9 I, MICHAEL E. ADAMS, hereby declare:

- 10 1. I am the attorney of record herein for Plaintiff Mahmoud Kedkad.
- 11 2. Early this month, shortly after Defendant Microsoft Corporation filed its Motion to  
12 Dismiss the Complaint ("Motion"), I discussed the motion with Defendant's counsel, Devin  
13 Slack, including my wish to conduct some limited discovery relating to the motion.
- 14 3. During this month, the instant matter was successively reassigned first to Hon. Phyllis  
15 J. Hamilton and then to Hon. Thelton Henderson. Court notices of said reassignments stated,  
16 *inter alia*, that all pending motions were to be taken off calendar for re-noticing. Preoccupied with  
17 other litigation matters, I did not carefully read the notices and I incorrectly assumed that new  
18 dates for briefing the Motion would be based on the date on which it was re-noticed. I learned to  
19 my surprise of my error during a further discussion with Mr. Slack concerning the Motion early  
20 last week.

21 I declare under penalty of perjury that the foregoing is true and correct. Signed this 1<sup>st</sup>  
22 day of May, 2013 in Redwood City, CA.

23 /s/ Michael E. Adams

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MICHAEL E. ADAMS

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~~PROPOSED~~ ORDER

The parties so stipulating and good cause appearing,  
IT IS HEREBY ORDERED that Defendant Microsoft Corporation shall re-notice its Motion to Dismiss the Complaint for July 8, 2013 at 10:00 a.m., that Plaintiff is granted leave to file opposition thereto by June 5, 2013, and that Defendant may file any reply thereto by June 12, 2013.

DATED: May 2, 2013

