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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19 **SAN FRANCISCO DIVISION**

20 CAREFUSION 202, INC.,

21 Petitioner,

22 v.

23 TRES TECH CORPORATION,

24 Respondent.

Case No. 13-CV-02194-EMC

THIRD STIPULATION AND
[PROPOSED] ORDER TO
CONTINUE CASE MANAGEMENT
CONFERENCE
[CIVIL L.R. 6-2, 7-12]

The Honorable Edward M. Chen
 United States District Judge

Current CMC Date: June 5, 2014
 Requested CMC Date: August 7, 2014

1 This case presently is scheduled for a Case Management Conference on Thursday, June 5,
2 2014. The Joint Case Management Conference Statement is due on May 29, 2014. The parties
3 respectfully request that the Court continue the Case Management Conference until Thursday,
4 August 7, 2014 at 9:00 a.m. or to a date convenient to the Court thereafter for the following reasons:

5 1. This case involves a dispute over an American Arbitration Award (“Award”) in
6 favor of Respondent Tres Tech Corporation (“Tres Tech”).

7 2. On August 2, 2013, the Court stayed this action pending resolution of related
8 litigation over the same Award taking place in the Northern District of Texas, Dallas Division
9 (“Texas Court”). ECF 43.

10 3. The Texas Court subsequently remanded to the arbitration panel to clarify the
11 Award, which the arbitration panel did, and the parties to the Texas action have completed briefing
12 on whether the Award will be confirmed or vacated. That matter is now under submission to the
13 Texas Court and the parties to that action do not know when the Texas Court will issue its ruling.

14 4. The parties to this action believe that this Court’s time and resources, as well as their
15 time and resources, will be conserved if the Texas Court’s ruling is issued before taking any further
16 action in this case, and the effect of this continuance will be to advance that objective. All briefing
17 is completed on the motions in the Texas Action and the parties thereto are awaiting a hearing date
18 and/or an order from the Texas Court.

19 5. The CMC in this case previously was reset by the Clerk’s notice from August 22,
20 2013 to February 6, 2014. ECF 44. The Court has previously extended the CMC to April 17, 2014
21 at the parties’ request for substantially the same reasons as set forth above. ECF 47. The Court
22 then extended the CMC to the present date of June 5, 2014 at the parties’ request for substantially
23 the same reasons as set forth above. ECF 49.

24 Accordingly, the parties to this action hereby respectfully request that the Court
25 continue the Case Management Conference currently scheduled to take place on June 5, 2014 until
26 Thursday, August 7, 2014 at 9:00 a.m. in the Courtroom of the Honorable Edward M. Chen,
27 Courtroom 5 - 17th Floor, 450 Golden Gate Avenue, San Francisco, CA 94102, or to a date
28

1 convenient to the Court thereafter.

2 **SO STIPULATED.**

3 Dated: May 22, 2014

4 By: */s/ Howard Wisnia*
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9 **ATTORNEYS FOR PETITIONER
CAREFUSION 202, INC.**

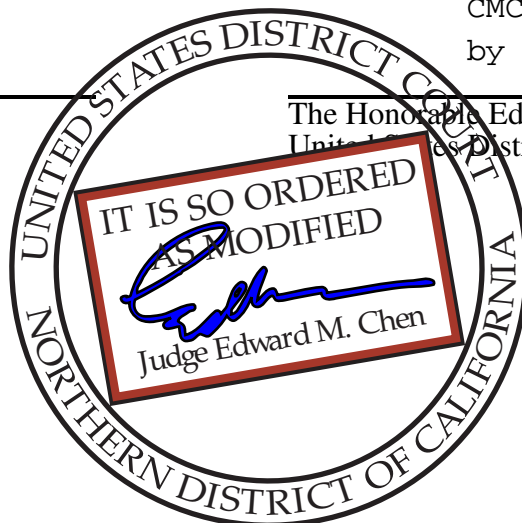
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14 (408) 938-0790 (Fax)

15 **ATTORNEYS FOR TRES TECH
16 CORPORATION, RESPONDENT**

17
18 **PURSUANT TO STIPULATION, IT SO ORDERED.** The CMC is reset for
19 9/4/14 at 9:30 a.m. A joint
CMC statement shall be filed
20 by 8/28/14.

Dated: 5/27/14

21 *_____*
The Honorable Edward M. Chen
United States District Judge



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ATTESTATION PURSUANT TO LOCAL RULE 5-1(i)(3)

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I attest that the concurrence in the filing of this document has been obtained from the signatories.

Dated: May 22, 2014

By: /s/ Howard N. Wisnia
Howard N. Wisnia
Attorney for Petitioner
CAREFUSION 202, INC.

CERTIFICATE OF SERVICE

I hereby certify that on May 22, 2014, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will automatically send e-mail notification of such filing to all counsel who have entered an appearance in this action.

Dated: May 22, 2014

By: /s/ Howard N. Wisnia
Howard N. Wisnia
Attorney for Petitioner
CAREFUSION 202, INC.