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 12 FADI SABA

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 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
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 20 FADI SABA,
 21 Plaintiff,
 22 v.
 23 UNISYS CORPORATION,
 24 Defendant.

Case No.: 14-CV-01310 WHO

**THIRD STIPULATION REGARDING
 EXTENSION OF DATE TO COMPLETE
 MEDIATION; ORDER**

1 Plaintiff Fadi Saba ("Saba") and defendant Unisys Corporation ("Unisys"), by and
2 through their respective counsel, stipulate as follows:

3 RECITALS

4 1. The parties agreed to engage in the ADR process of court-sponsored mediation.

5 2. In accordance with that agreement, at the case management conference on June 17, 2014,
6 the court ordered that the mediation be completed by September 15, 2014. Thereafter, the parties
7 completed the initial pre-mediation telephone conference with the mediator.

8 3. Due to the fact that there was not sufficient time within the existing deadline for the
9 parties to engage in and complete discovery that they believed would be necessary to make
10 mediation productive, the parties agreed to extend the deadline to complete mediation to October
11 31, 2014. The court approved that stipulation on July 17, 2014.

12 4. The parties have diligently pursued discovery. However, disputes have arisen concerning
13 that discovery. The parties have extensively met and conferred regarding the disputed discovery.
14 While the parties have been able to resolve some of their discovery issues, others have required
15 recourse to the court. To assist the parties, the court has referred all discovery matters to
16 Magistrate Judge Donna M. Ryu.

17 5. Per Magistrate Ryu's instruction, the Parties prepared joint letters regarding the discovery
18 disputes, and submitted those to Magistrate Ryu on October 9, 2014, and October 17, 2014,
19 respectively. Magistrate Ryu set a telephonic hearing date for November 20, 2014. These
20 matters were heard on November 20, 2014 as scheduled, and on November 21, 2014, Magistrate
21 Ryu issued an Order thereon granting in part and denying in part Plaintiff's request for additional
22 discovery. The order required the Parties to further meet and confer on certain issues, and
23 Defendant ultimately compiled and, on December 15 and 16, 2014, produced approximately
24 70,000 pages of documents, in addition to the approximately 6,000 documents that Defendant
25 had already produced. Understandably, it took Defendant's counsel two to three weeks to
26 compile and review this voluminous documentation for production. Plaintiff's position is that
27 receipt and review of these documents is necessary prior to completing deposition discovery and
28 mediation.

1 6. In the meantime, the Parties were meeting and conferring regarding deposition
2 scheduling. The Parties have agreed that Plaintiff's deposition will proceed on January 8, 2015,
3 and depositions of three defense witnesses in Minnesota on January 22 and 23, 2015. The Parties
4 agree that these depositions are necessary for them to engage in a meaningful mediation. As a
5 result of the delays caused by the discovery disputes and the difficulty of scheduling depositions
6 during the holiday season during which the defense witnesses were taking time off from work,
7 and despite the Parties' most diligent efforts, the Parties were unable to complete these
8 depositions prior to the currently scheduled mediation date of January 8, 2015.

9 6. To accommodate the necessary pre-mediation discovery, subject to the court's approval,
10 the parties are agreeable to extending the deadline for mediation to Friday, February 6, 2015.
11 The parties have confirmed with the mediator, Richard S. Whitmore, that he does not oppose
12 continuing the mediation deadline and the parties have reserved a mediation date of February 4,
13 2015, with Mr. Whitmore

14 7. In light of the additional time necessary to complete mediation, and recognizing that there
15 is presently a discovery cut-off date of February 18, 2015, and a deadline for hearing of any
16 motion for summary judgment of March 25, 2015 (requiring filing of a motion by February 18,
17 2015), in the event mediation does not resolve this case the parties are agreeable, with the court's
18 approval, to extend the discovery cut-off date, and deadlines for filing and hearing a motion for
19 summary judgment by 21 days.

20 STIPULATION

21 Based upon the foregoing, the parties stipulate that, subject to the court's approval:

- 22 1. The deadline for conducting court-sponsored mediation will be extended to Friday,
23 February 6, 2015.
- 24 2. The deadline for completion of non-expert discovery will be extended to March 11, 2015.

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3. The deadline for filing a motion for summary judgment will be extended to March 11, 2015, and the deadline for hearing such motion will be extended to April 15, 2015.

Respectfully submitted,
EPSTEIN BECKER & GREEN, P.C.
By: /s/ Matthew A. Goodin
Steven R. Blackburn
Matthew A. Goodin
Attorneys for Defendant
UNISYS CORPORATION

DATED: December 17, 2014

LAW OFFICES OF CHARLES J. WISCH
By: /s/ Charles J. Wisch
Charles J. Wisch
Attorneys for Plaintiff
FADI SABA

DATED: December 17, 2014

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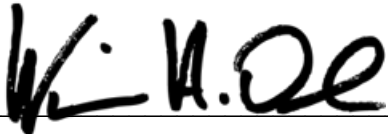
ORDER

Good cause appearing,

IT IS HEREBY ORDERED that:

1. The deadline for conducting court-sponsored mediation will be extended to Friday, February 6, 2015.
2. The deadline for completion of nonexpert discovery will be extended to March 11, 2015.
3. The deadline for filing a motion for summary judgment will be extended to March 11, 2015, and the deadline for hearing such motion will be extended to April 15, 2015.

Dated: December 29, 2014



United States District Judge