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25 UNITED STATES DISTRICT COURT FOR THE  
26 NORTHERN DISTRICT OF CALIFORNIA

27 U.S. EQUAL EMPLOYMENT	) Case No.: No. C 04 3025 SBA
28 OPPORTUNITY COMMISSION,	)
	) STIPULATION REQUESTING EXTENSION
	) OF CONDITIONAL ORDER OF
Plaintiff	) DISMISSAL AND/OR MOTION TO
	) REOPEN CASE
CHE PRESANT,	) (AND ORDER)
	)
Plaintiff- Intervenor	)
	)
vs.	)
	)
ALLTECH, INC.,	)
	)
Defendant	)

1 The parties to the above-entitled action hereby stipulate as follows:

- 2
- 3 1. On September 22, 2005 this court held a Case Management Conference for this
- 4 action and related cases (C04-3309 and C05-1831). During the conference, the
- 5 parties informed the court that they believed they had reached an agreement to
- 6 settle this case and the related cases . The EEOC, Alltech and Ms. Presant also
- 7 informed the court that they intended to file a Settlement Agreement specific to
- 8 this action that included a provision for the court to retain jurisdiction over the
- 9 case for the purpose of enforcing the Settlement Agreement.
- 10
- 11 2. The court subsequently entered an Order Dismissing Action on September 23,
- 12 2005. Pursuant to the order, the case would be dismissed with prejudice unless
- 13 any party moved to reopen the case within thirty days. The EEOC, Alltech and
- 14 Ms. Presant understood that the case would not be dismissed as long as they filed
- 15 the Settlement Agreement prior to the expiration of thirty days.
- 16
- 17 3. On October 20, 2004, Charles G. Williams, attorney for Alltech, Inc., informed
- 18 EEOC attorney, Marcia L. Mitchell about an issue between Alltech and the EEOC
- 19 which Alltech had not previously addressed and which requires resolution before
- 20 Alltech will approve the settlement. The decision makers at the EEOC are out of
- 21 the office and unavailable to address the issue before October 24, 2005, the
- 22 deadline for the parties to file the Settlement Agreement and to avoid a dismissal
- 23 of the case pursuant to the terms of the court's order.
- 24
- 25 4. EEOC and Ms. Presant agree that it is premature to dismiss the case at this time
- 26 so that EEOC and Alltech may resolve the outstanding issue that currently
- 27
- 28

Deleted:

impedes settlement. Alltech is not opposed to an extension of the court's previous  
30 day limit for an additional 30 days.

5. The parties also agree that it remains likely that the case will still settle. The parties therefore are not asking the court to reschedule the trial date at this time. Instead, they are asking the court to extend the deadline for filing the Settlement Agreement by an additional thirty days (until November 23, 2005).

On behalf of Plaintiff:

On behalf of Plaintiff-Intervenor

/s/

/s/ by phone approval

MARCIA L. MITCHELL  
Senior Trial Attorney  
EQUAL EMPLOYMENT  
OPPORTUNITY COMMISSION

OLIVER JONES  
Jones & Thompson

On behalf of Defendant:

/s/ by e-mail approval

CHARLES G. WILLIAMS  
Jackson Lewis LLP

**ORDER**

The court having considered the stipulation of the parties now orders as follows:

1. The Order Dismissing Action dated September 23, 2005 is hereby vacated.
2. This action and all claims stated herein is hereby dismissed with prejudice. In the event that the settlement is not reached, any party may move to reopen the case and the trial will be rescheduled, provided that such motion is filed within 30 days of this order.

**IT IS SO ORDERED.**

NUNC PRO TUNC  
DATED: 10/23/05

  
\_\_\_\_\_  
HONORABLE SANDRA B. ARMSTRONG  
U.S. DISTRICT COURT JUDGE