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 12 BALLY TECHNOLOGIES, INC.

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 15 UNITED STATES DISTRICT COURT  
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 17 OAKLAND DIVISION

18 STEPHEN RACE,  
 19  
 20 Plaintiff,  
 21 v.  
 22 BALLY TECHNOLOGIES, INC.,  
 a Nevada Corporation,  
 23 Defendant.  
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CASE NO. C07-5475 CW  
**AMENDED**  
**STIPULATION AND ORDER RE**  
**SCHEDULING JURY TRIAL**  
 Old Date: February 2-3, 2009  
 New Date: March 2-3, 2009  
 Judge: Hon. Claudia Wilken  
 Location: Courtroom 2, 4th Floor

1 WHEREAS this Court ordered a two-day jury trial commencing at 8:30 a.m. on February 2,  
2 2009;

3 WHEREAS Plaintiff's counsel has a trial in San Francisco Superior Court in the case *J.*  
4 *Daniel Plants v. ThinkEquity Partners LLC, et al.*, Case No. CGC-07-467247, which is scheduled to  
5 begin on January 26, 2009 and which appears unlikely to settle;

6 WHEREAS Plaintiff's counsel has an administrative hearing before the U.S. Department of  
7 Labor, Office of Administrative Law Judges, in the case *Matthew Gloss v. Marvell Technologies*  
8 *Group, Ltd.*, Case No. 9-3290-07-067, which is scheduled to begin on February 2, 2009;

9 WHEREAS the key defense witness will be traveling out of the country around the time of  
10 the trial, and needs certainty as to the trial date;

11 WHEREAS the parties continue to engage in mediation facilitated by Deborah Melinkoff and  
12 believe that the clarity provided by the Court's Order Denying Summary Judgment will prove  
13 beneficial to this process;

14 WHEREAS the parties, witnesses and their counsel are all available for trial on March 2-3,  
15 2009;

16 WHEREAS key defense witnesses are unavailable from March 18, 2009 through April 15,  
17 2009;

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