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 10 BALLY TECHNOLOGIES, INC.

11 UNITED STATES DISTRICT COURT
 12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 13 OAKLAND DIVISION

14 STEPHEN RACE,
 15
 16 Plaintiff,
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 18 v.
 19 BALLY TECHNOLOGIES, INC.,
 20 a Nevada Corporation,
 21
 22 Defendant.

CASE NO. C07-5475 CW

**STIPULATION AND ORDER RE
 SCHEDULING OF PRE-TRIAL
 CONFERENCE SUBMISSIONS**

Trial Date: March 2-3, 2009
 Judge: Hon. Claudia Wilken
 Location: Courtroom 2, 4th Floor

1 WHEREAS this Court ordered a two-day jury trial of this case, commencing at 8:30 a.m. on
2 March 2, 2009, subject to availability given the scheduling of another trial with higher priority for the
3 same day;

4 WHEREAS the parties thereafter participated in numerous in-person and telephonic
5 mediation sessions with Deborah Melinkoff;

6 WHEREAS the parties' last session on January 20, 2009 culminated in a mediator's proposal;

7 WHEREAS the parties require time to consider and for Bally to obtain approval from the
8 Board of Directors to enter into the settlement;

9 WHEREAS the mediator contacted this court on January 21, 2009 indicating that she believed
10 that it would serve the interests of settlement to permit the parties to conserve the resources required
11 to prepare the pre-trial conference submissions and instead focus their resources upon settlement;

12 WHEREAS counsel for the parties expect that they will be able to prepare and file the pre-
13 trial submissions by February 3, 2009, if the parties are unable to reach settlement;

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1 IT IS THEREFORE STIPULATED AND AGREED AMONG THE PARTIES AS FOLLOWS:

2 1. The pre-trial conference will continue to be set for February 17, 2009, or the first day after
3 that the court is available.

4 2. The pre-trial conference submissions will be due on February 3, 2009, instead of January
5 27, 2009.

6 3. Nothing in this agreement shall be construed to prejudice or limit any party's rights to
7 make or oppose any application or motion with respect to coordination or future scheduling of these
8 or other matters.

9
10 DATED: January 22, 2009

GIBSON, DUNN & CRUTCHER LLP
ETHAN D. DETTMER
JAIME D. BYRNES

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12
13 By: _____
14 Jaime D. Byrnes

15 Attorneys for Bally Technologies, Inc.

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18 DATED: January 22, 2009

McGUINN, HILLSMAN & PALEFSKY
CLIFF PALEFSKY
CAROLYN LEARY

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20
21 By: _____
22 Cliff Palefsky

23 Attorneys for Stephen Race

24 IT IS SO ORDERED.

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26 _____

1/26/09

DATE: _____

27 Honorable Claudia Wilken