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6 Attorneys for Plaintiff and Cross-Defendant
 WALNUT CREEK MANOR, LLC
 7

8 **IN THE UNITED STATES DISTRICT COURT**
 9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10

11 WALNUT CREEK MANOR, LLC,

12 Plaintiff,

13 v.

14 MAYHEW CENTER, LLC, a California limited
 liability company; Dean Dunivan, an individual;
 15 Etch-Tek, Inc., a former California corporation; and
 DOES 1-50, inclusive,

16 Defendants.
 17

Case No. 4:07-CV-5664 CW

**STIPULATION AND ORDER
 CONTINUING STATUS
 CONFERENCE**

Judge: Hon. Claudia Wilken

First Amended
 Complaint Filed: May 19, 2008

18 AND RELATED CROSS-ACTION.
 19

20 AND RELATED CASE:

21 MAYHEW CENTER, LLC, and DEAN
 DUNIVAN,

22 Plaintiff,

23 v.

24 NORMA BEARD,

25 Defendant.
 26

Case No. 4:10-cv-0527 CW

1 **STIPULATION**

2 WHEREAS, on April 22, 2010, the Court referred the parties in these two consolidated cases
3 to Magistrate Judge Spero for a settlement conference and set the cases for a status conference on
4 July 13, 2010;

5 WHEREAS, Magistrate Judge Spero noticed the settlement conference for June 21, 2010;

6 WHEREAS, on the stipulation of the parties, Magistrate Judge Spero continued the
7 settlement conference to July 14, 2010, and the Court continued the status conference to July 27,
8 2010;

9 WHEREAS, at the conclusion of the settlement conference, Magistrate Judge Spero ordered
10 the parties to return for a further settlement conference if they are unable to finalize the specific
11 terms and conditions to effectuate an agreement before then;

12 WHEREAS, on July 16, 2010, Magistrate Judge Spero issued an order setting the further
13 settlement conference on August 23, 2010;

14 WHEREAS, on July 19, 2010, the Court referred the parties to the consolidated *Mayhew*
15 *Center v. Beard* action to Magistrate Judge Spero for a settlement conference;

16 WHEREAS, on the stipulation of the parties, Judge Wilken continued the status conference
17 in the two consolidated cases to September 21, 2010.

18 WHEREAS, lead counsel for Plaintiff and Cross-Defendant Walnut Creek Manor, LLC has a
19 long-standing business beginning on September 20, 2010, and will not return until October 4, 2010,
20 which was overlooked at the time of the parties' prior stipulation.

21 IT IS HEREBY STIPULATED AND AGREED, by and among the undersigned, subject to
22 approval of the Court, that the status conference in the two consolidated cases is continued to
23 October 12, 2010 at 2:00 p.m.

24 IT IS SO STIPULATED.

25 Dated: August 9, 2010

DUANE MORRIS LLP

26 /s/ Brian A. Kelly

27 Brian A. Kelly
28 Attorneys for Plaintiff and Cross-Defendant
WALNUT CREEK MANOR, LLC

