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8 Attorneys for Plaintiff,  
 9 JOSE ISMAEL RIVERA

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

12 JOSE ISMAEL RIVERA, an individual,

CASE NO. C 08-02202 CW

13 Plaintiff,

Assigned to the Honorable Claudia Wilken,  
 United States District Judge – Courtroom 2

14 vs.

**STIPULATION AND ORDER  
 EXTENDING TIME TO CONDUCT  
 EARLY NEUTRAL EVALUATION**

15 COSTCO WHOLESALE  
 CORPORATION, a corporation, and  
 16 DOES 1 through 100, inclusive,

17 Defendants.

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 21 Plaintiff, Jose Ismael Rivera, and Defendant, Costco Wholesale Corporation, through  
 22 their respective attorneys of record, hereby stipulate to continue the Early Neutral Evaluation  
 23 currently set for November 19, 2008, in accordance with the following:

24  
 25 WHEREAS, the Court set a deadline to complete an Early Neutral Evaluation of  
 26 November 14, 2008, or as soon thereafter as is convenient to the mediator’s schedule.

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WHEREAS, the Court assigned this case to Marjorie Gelb as the Evaluator to conduct the ENE;

WHEREAS, the parties and the Evaluator agreed to conduct the ENE session and scheduled it for Wednesday, November 19, 2008 in San Francisco, California;

WHEREAS, the Parties are diligently working to schedule necessary depositions and complete necessary discovery in advance of the ENE;

WHEREAS, Plaintiff has requested mutually convenient dates from defendant to complete depositions of key decision-makers and witnesses;

WHEREAS, due to scheduling conflicts and defense counsel’s involvement in trial in another matter, the Parties will be unable to schedule necessary depositions prior to the ENE;

WHEREAS, the Parties wish to participate meaningfully in the ENE and are not seeking this continuance for the purposes of delay;

WHEREAS, the holiday period from November through December is the busiest time of year for defendant, Costco, thereby making it extremely difficult to produce its employees for deposition during that period of time;

WHEREAS, the Parties have consulted with the Evaluator and she has consented to the continuance and is available to conduct the ENE within the time requested by the Parties;

WHEREAS, Completion of Fact Discovery is January 9, 2009;

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WHEREAS, the date of the next case management conference is February 26, 2009;

THEREFORE, the Parties stipulate as follows:

1. That the Early Neutral Evaluation currently scheduled on November 19, 2008 is off calendar and will be rescheduled to a date mutually convenient to the Parties and the Evaluator;
2. That the deadline to complete the Early Neutral Evaluation and/or mediation be continued from November 14, 2008 to February 26, 2009;

SO STIPULATED.

DATED: October \_\_\_\_, 2008

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A Professional Corporation

By: \_\_\_\_\_  
Alicia Olivares  
*Attorneys for Plaintiff,*  
JOSE ISMAEL RIVERA

DATED: October \_\_\_\_, 2008

SEYFARTH SHAW LLP

By: \_\_\_\_\_  
Jason T. Cooksey  
Lindsay S. Fitch  
*Attorneys for Defendant,*  
COSTCO WHOLESALE CORPORATION

1 **ORDER**

2 **IT IS HEREBY ORDERED THAT**, good cause having been shown, the deadline to  
3 complete the Early Neutral Evaluation shall be continued and reset as set forth below:  
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- 6 1. The Early Neutral Evaluation is to be rescheduled to a date mutually convenient  
7 to  
8 the Parties and the Evaluator.
  - 9 2. The date by which the Early Neutral Evaluation is to be held is continued from  
10 November 14, 2008 (or as soon thereafter as is convenient to the mediator's  
11 schedule), to February 26, 2009.  
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14 **IT IS SO ORDERED.**

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16 Dated: 11/4/08 \_\_\_\_\_



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18 CLAUDIA WILKEN  
19 United States District Judge  
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