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13 Attorneys for Defendant
 14 INTERNATIONAL BUSINESS
 15 MACHINES CORPORATION

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **OAKLAND DIVISION**

19 ROBERT MAYBERRY,
 20 Plaintiff,

21 vs.

22 INTERNATIONAL BUSINESS
 23 MACHINES CORPORATION,
 24 Defendants.

CASE NO. CV-09-1369-CW

**STIPULATION AND [PROPOSED]
 ORDER GRANTING CONTINUANCE
 FOR INITIAL CASE MANAGEMENT
 CONFERENCE**

Complaint Filed: March 27, 2009
 Room: Courtroom 2, 4th Floor
 Judge: Honorable Claudia Wilken

28 CASE NO. CV-09-1369-CW

STIPULATION AND [PROPOSED] ORDER
 TO CONTINUE CASE MANAGEMENT
 CONFERENCE

1 **STIPULATION**

2
3 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned counsel
4 for Plaintiff Robert Mayberry ("Mayberry") and Defendant International Business Machines
5 ("IBM"), as follows:

6 1. WHEREAS, this Court scheduled the Initial Case Management Conference
7 for July 7, 2009, in Courtroom 2, 4th Floor at 1301 Clay Street, Oakland, California 94612;

8 2. WHEREAS, Civil Local Rule 16-10(a) requires lead trial counsel to attend
9 the initial case management conference;

10 3. WHEREAS, lead trial counsel for IBM will be on a pre-planned out-of-
11 state vacation on that date;

12 4. WHEREAS, the parties agree to move the CMC date to accommodate
13 IBM's lead trial counsel's plans and availability to be personally present;

14 5. WHEREAS, the parties also agree to not to continue the CMC to the
15 second week of August 2009 as lead trial counsel for Plaintiff will be away on a pre-planned
16 vacation;

17 6. WHEREAS, the parties stipulate that the Initial Case Management
18 Conference be moved to July 21, July 28, or August 4, 2009, if any of those dates are convenient
19 for the Court.


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NOW, THEREFORE, the parties request the Court order as follows:

That the Initial Case Management Conference, currently set for July 7, 2009, be vacated and be continued to July 21, July, 28, or August 4, if any of these dates are convenient for the Court.

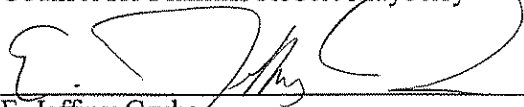
IT IS SO STIPULATED.

DATED: May 26, 2009


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Counsel for Plaintiff Robert Mayberry

DATED: May 26, 2009


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International Business Machines Corporation

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ORDER

The Court, having reviewed the record and Stipulation herein, finds that good cause exists and hereby ORDERS AS FOLLOWS: The Case Management Conference now scheduled for July 7, 2009, is continued to August 4, 2009 at 2:00 p.m. in Courtroom 2.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 29, 2009

