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9 UNITED STATES FEDERAL DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

14 Case No. C 09-01369

15 Robert Mayberry,
 16 Plaintiff,
 17 v.
 18 International Business Machines Corporation,
 19 a New York Corporation, and Does 1 through
 20 25, inclusive
 21 Defendants.

**STIPULATION TO EXTEND THE
 FILING DEADLINE FOR PLAINTIFF'S
 MOTION TO AMEND**

23 IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned
 24 attorneys of record for all parties herein, that the current deadlines of September 10, 2009 to
 25 meet and confer and September 17, 2009 to file a Motion to Amend the Complaint should be
 26 extended, given the parties have agreed to mediate this case on October 7, 2009. Because the
 27 trial in this case is not scheduled to take place until February 7, 2011, extending the time to file a
 28

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1 Motion to Amend will not prejudice the parties and will allow the parties time to focus on
2 resolving this case at mediation.

3 Accordingly, the parties stipulate to the following deadlines:

- 4 1. Plaintiff shall serve his proposed Amended Complaint on defendant's counsel by
- 5 Friday, October 16
- 6 2. Plaintiff shall file and serve his Motion to Amend the Complaint by October 23,
- 7 2009.

9 Dated: September 10, 2009

10 **DUCKWORTH · PETERS · LEBOWITZ LLP**

11 

12 By: Thomas E. Duckworth,
13 Attorneys for Plaintiff Robert Mayberry

14 DATED: September 10, 2009

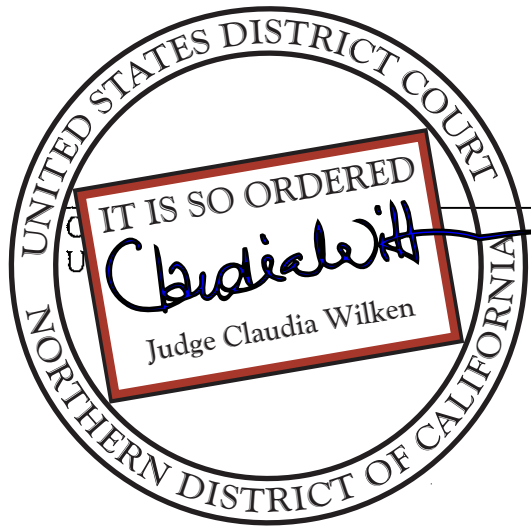
15 **PAUL, HASTINGS, JANOFSKY & WALKER LLP**
 16 E. JEFFREY GRUBE
 17 JEFFREY P. MICHALOWSKI
 18 JENNIFER Y. OH

19 JEFFREY P. MICHALOWSKI

20 Counsel for Defendant
 21 International Business Machines Corporation

22 **IT IS SO ORDERED:**

23 Date: 9/14/09



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