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 NVIDIA CORPORATION

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
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12 NATIONAL UNION FIRE INSURANCE
 13 COMPANY OF PITTSBURGH, PA,

14 Plaintiff,

15 vs.

16 NVIDIA CORPORATION,

17 Defendant.

Case No. C 09-2046 CW

**STIPULATED REQUEST TO EXTEND
 TIME FOR MEDIATION AND ORDER**

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 19 NVIDIA CORPORATION,

20 Counter-claimant,

21 vs.

22 NATIONAL UNION FIRE INSURANCE
 23 COMPANY OF PITTSBURGH, PA,

24 Counter-defendant.

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1 Plaintiff and Counter-Defendant NATIONAL UNION FIRE INSURANCE COMPANY
2 OF PITTSBURGH, PA and Defendant and Counter-Claimant NVIDIA CORPORATION
3 respectfully submit the following stipulated request:

4 WHEREAS, on August 25, 2009, this Court issued a Scheduling Order requiring the
5 parties to participate in a mediation by November 18, 2009;

6 WHEREAS, the parties in this matter have agreed to use the same mediator -- the Hon.
7 Layn R. Philips (ret.) -- for this insurance coverage dispute that will be mediating the *NVIDIA*
8 *GPU Litigation* pending before Judge James Ware ;

9 WHEREAS, the Hon. Layn Philips (ret.) does not have any dates available for mediations
10 until December 9, 2009;

11 WHEREAS, the parties have scheduled a mediation of this coverage dispute before Judge
12 Philips on December 15, 2009 – the first date available on the calendars of Judge Philips and all
13 the necessary participants;

14 WHEREAS, the parties are required to attend the mediation in person pursuant to ADR L-
15 R 6-10 and will not further delay the mediation date absent an unforeseen and exceptional
16 circumstance and a showing of good cause;

17 WHEREAS, an extension in time to conduct the mediation by December 15, 2009 does
18 not affect the case schedule;

19 THEREFORE, the parties respectfully request that the Court grant an extension until
20 December 15, 2009, for the parties to conduct a mediation pursuant to ADR L-R 6.

21
22 DATED: September 24, 2009

BATES & CAREY LLP

23
24 By: _____ /s/
25 Richard H. Nicolaides

26 Attorneys for Plaintiff and Counter-Defendant
27 NATIONAL UNION FIRE INSURANCE
28 COMPANY OF PITTSBURGH, PA

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DATED: September 24, 2009

FARELLA BRAUN & MARTEL LLP

By: _____ /s/
Amanda D. Hairston

Attorneys for Defendant and Counter-Claimant
NVIDIA CORPORATION.

1. The stipulating parties shall appear December 15, 2009 to conduct a mediation pursuant to ADR L-R 6.

2. The stipulating parties and their counsel are required to attend the mediation in person pursuant ADR L-R 6-10.

3. The mediation date will not be further delayed absent an unforeseen and exceptional circumstance and a showing of good cause.

10/1/09

Dated: _____



The Honorable Claudia Wilken