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22 JOHN TIMOTHY PEREZ

23 UNITED STATES DISTRICT COURT
24 NORTHERN DISTRICT OF CALIFORNIA

25 JOHN TIMOTHY PEREZ,
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27 Plaintiff,
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29 v.
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31 D. NGUYEN, et al.
32
33 Defendants.

Case No.: 4:09-cv-04939-JSW

**JOINT STIPULATION AND
[PROPOSED] ORDER TO VACATE
TRIAL AND PRE-TRIAL DATES**

Trial Date: June 23, 2014

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1 The Parties to the above entitled action, Duc Nguyen, M.D. (“Defendant”) and John Timothy
2 Perez (“Plaintiff”) (collectively referred to herein as the “Parties”), by and through their undersigned
3 counsel, hereby stipulate and agree as follows:

4 1. WHEREAS, this case is currently set for a pretrial conference on June 2, 2014, jury
5 selection on June 18, 2014, and trial on June 23, 2014;

6 2. WHEREAS, the case settled at the settlement conference before Magistrate Judge
7 Westmore on March 7, 2014;

8 3. WHEREAS, the Parties have finalized the terms of the settlement and exchanged a
9 signed release and settlement agreement;

10 4. WHEREAS, the Parties have agreed to postpone filing the stipulation of dismissal
11 until Plaintiff receives the settlement check;

12 5. WHEREAS, the Parties have met and conferred, and have agreed to vacate the trial
13 date and related pre-trial dates;

14 6. WHEREAS, the Parties have met and conferred, and have agreed to set a status
15 conference for July 18, 2014, or another date acceptable to the court.

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1 **NOW THEREFORE**, all Parties hereto stipulate and agree that the Court may enter an
2 Order vacating the June 23, 2014 trial date and associated pre-trial dates, and setting a status
3 conference for July 18, 2014 or another date acceptable to the court.

4 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

5 DATED: April 18, 2014

SEYFARTH SHAW LLP

7 By: /s/ Ari Hersher
Francis J. Ortman III
Ari Hersher
Matthew J. Mason
Courtney K. Bohl
Joseph J. Orzano

Attorneys for Plaintiff
JOHN TIMOTHY PEREZ
ANDRADA & ASSOCIATES

11 DATED: April 18, 2014

13 By: /s/ Matthew W. Roman
J. Randall Andrada
Matthew W. Roman

Attorneys for Defendant
DUC NGUYEN, M.D.

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[PROPOSED] ORDER

PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING, IT IS SO

ORDERED that the June 23, 2014 trial date and all associated pre-trial dates are hereby vacated. IT
July 25, 2014 at 11:00 a.m.
IS FURTHER ORDERED that the parties shall attend a status conference on July 18, 2014.

DATED: April 21, 2014



Hon. Jeffrey S. White
United States District Judge

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