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Attorneys for Defendants  
BAYER HEALTHCARE LLC and BOB RUSSEY

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION

EDDIE L. HOOKER, JR.,

Plaintiff,

vs.

BAYER HEALTHCARE LLC, a business  
whose form is unknown, BOB RUSSEY,  
an individual; and DOES 1 through 20,

Defendants.

Case No. C 11-03957 SBA

**STIPULATION AND [PROPOSED]  
ORDER MODIFYING ADR DEADLINE**

1  
2 Plaintiff Eddie L. Hooker, Jr. ("Plaintiff") and Defendants Bayer Healthcare LLC and Bob  
3 Russey (collectively, "Defendants"), the parties to the above-entitled action (collectively referred  
4 to herein as the "Parties"), submit this Stipulation to the Court:

5  
6 **STIPULATION**

7 WHEREAS, on November 2, 2011, the Court issued an Order Selecting ADR Process in  
8 the above-entitled action ("Order");

9 WHEREAS, the Court's Order approved the stipulation between the Parties to participate  
10 in an Early Neutral Evaluation;

11 WHEREAS, according to the Court's Order, the deadline for the Parties to hold an Early  
12 Neutral Evaluation is 90 days from the date of the order, or January 31, 2012;

13 WHEREAS, the Parties currently have an Early Neutral Evaluation scheduled for January  
14 25, 2012, but Defendants' representative with settlement authority who plans to attend the Early  
15 Neutral Evaluation can no longer attend on January 25, 2012 due to a death in her family;

16 WHEREAS, the Evaluator, Judith Droz Keyes, has no objection to the continuance of the  
17 Early Neutral Evaluation date;

18 WHEREAS, due to scheduling conflicts, the earliest date in which the Parties and the  
19 Evaluator have shared availability is February 22, 2012;

20 WHEREAS, the Parties and the Evaluator have set the Early Neutral Evaluation for  
21 February 22, 2012, pending the Court's approval of the extension of the deadline to participate in  
22 the Early Neutral Evaluation;

23 WHEREAS, the Parties have not previously requested any extensions of the deadlines set  
24 forth in the Court's Order; and

25 WHEREAS, for good cause and to promote settlement and avoid prejudice that would  
26 result to both Parties if the deadline to participate in an Early Neutral Evaluation is not revised,  
27 the Parties jointly request an extension of the deadline to participate in an Early Neutral  
28 Evaluation set forth in the Court's Order.

1  
2 NOW, THEREFORE, Plaintiff and Defendants, through their undersigned respective  
3 counsel, stipulate and request that the Court approve the following revised deadlines:

4 Last day for Parties to participate in an Early Neutral Evaluation: 2/29/2012

5 To avoid prejudice to both Parties, GOOD CAUSE exists to modify the deadline in this  
6 action as described herein.

7  
8 Dated: January 20, 2012

MORGAN, LEWIS & BOCKIUS LLP

9 By /s/ Kathryn M. Nazarian  
10 Melinda S. Riechert  
11 Kathryn M. Nazarian  
12 Attorneys for Defendants  
BAYER HEALTHCARE LLC and BOB  
RUSSEY

13 Dated: January 20, 2012

LAW OFFICES OF KENNETH C.  
ABSALOM

14  
15 By /s/ Kenneth C. Absalom  
16 Kenneth C. Absalom  
17 James J. Achermann  
Attorneys for Plaintiff  
EDDIE L. HOOKER Jr.


18  
19 **ORDER**

20 In light of the foregoing STIPULATION of the Parties and good cause appearing, the  
21 Court ORDERS the following revised deadline in this case:

22 Last day for Parties to participate in an Early Neutral Evaluation 2/29/2012

23 To avoid prejudice to both Parties, GOOD CAUSE exists to modify the deadline in this  
24 action as described herein.

25  
26 Dated: 1/23/12

27   
Hon. Sandra B. Armstrong  
United States District Court Judge