

1 Zia F. Modabber (SBN 137388)
 zia.modabber@kattenlaw.com
 2 Gloria C. Franke (SBN 246390)
 gloria.franke@kattenlaw.com
 3 **KATTEN MUCHIN ROSENMAN LLP**
 2029 Century Park East, Suite 2600
 4 Los Angeles, CA 90067-3012
 Telephone: 310.788.4400
 5 Facsimile: 310.788.4471

6 Attorneys for Defendant SOLARWINDS, INC.

7 Tania Rose (SBN 151514)
 taniarose@gmail.com
 8 **LAW OFFICE OF TANIA ROSE**
 353 Sacramento Street, Suite 1140
 9 San Francisco, CA 94111
 Telephone: (415) 986-1338
 10 Telecopier: (415) 986-1231

11 Demetrios Anaipakos (*Pro Hac Vice*)
 danaipakos@azalaw.com
 12 Benjamin F. Foster (*Pro Hac Vice* Application Forthcoming)
 bfoster@azalaw.com
 13 **AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING, P.C.**
 1221 McKinney Street, Suite 3460
 14 Houston, Texas 77010
 Telephone: (713) 655-1101
 15 Telecopier: (713) 655-0062

16 Attorneys for Plaintiff MIKE MAPLES, JR.

17
 18 **UNITED STATES DISTRICT COURT**
 19 **NORTHERN DISTRICT OF CALIFORNIA**

20
 21 MIKE MAPLES, JR.)
)
 22 Plaintiff,)
)
 23 vs.)
)
 24 SOLARWINDS, INC., and DOES 1-5,)
)
 25 Defendants.)
)
 26)
 27)
 28)

CASE NO. 12-06066 SBA
**STIPULATION AND [PROPOSED]
 ORDER TO MODIFY THE
 AMENDED ORDER OF
 REFERENCE TO EXTEND THE
 COMPLETION DATE FOR A
 MANDATORY SETTLEMENT
 CONFERENCE**

STIPULATION

1
2 Plaintiff Mike Maples, Jr. (“Plaintiff”) and defendant SolarWinds, Inc.
3 (“Defendant”) (collectively, the “Parties”), by and through their counsel of record,
4 hereby stipulate to modify the Amended Order of Reference to extend the completion
5 date for a mandatory settlement conference by thirty days, from June 4, 2013 to July
6 4, 2013. Good cause exists for the requested extension:

7 WHEREAS, Defendant believes that the proposed extension is necessary for
8 the Parties to complete the limited, agreed-upon discovery sufficiently in advance of
9 the settlement conference, and, more particularly, the deadline for the Parties’ written
10 submissions prior to the settlement conference, for the following reasons;

11 WHEREAS, Plaintiff does not believe the proposed extension is necessary, but
12 does not oppose the extension;

13 WHEREAS, on March 8, 2013, the Court issued the Amended Order of
14 Reference (the “Order”), referring the case to Magistrate Judge Donna Ryu for a
15 mandatory settlement conference to take place within ninety days of the Order – i.e.,
16 June 4, 2013. The Order also states that the Parties shall meet and confer regarding
17 the scope of the limited discovery to prepare for the settlement conference;

18 WHEREAS, pursuant to the Order, the Parties met and conferred and agreed to
19 conduct limited discovery in advance of a mandatory settlement conference;

20 WHEREAS, on March 14, 2013, Defendant served on Plaintiff requests for
21 production of documents, requests for admissions and interrogatories, setting the
22 production date for April 16, 2013. Defendant also noticed Plaintiff’s deposition for
23 April 24, 2013, within a week of receipt of Plaintiff’s discovery responses and
24 documents;

25 WHEREAS, on March 22, 2013, Plaintiff served on Defendant requests for
26 production of documents, setting the production date for April 24, 2013. Plaintiff
27 would also like to depose an employee of Defendant prior to the settlement
28 conference;

1 WHEREAS, during the ninety-day period, Magistrate Judge Ryu is available
2 for a mandatory settlement conference on only May 2, 2013 or May 7, 2013;

3 WHEREAS, Judge Ryu's Standing Order provides that the parties must submit
4 an Exchanged Settlement Conference Statement and a Confidential Settlement Letter
5 (collectively, "Settlement Statements") no later than ten days prior to the settlement
6 conference;

7 WHEREAS, if the mandatory settlement conference were to proceed on May 2,
8 2013, the Parties' Settlement Statements would be due on April 22, 2013, before
9 Plaintiff's deposition and prior to Defendant's production of documents;

10 WHEREAS, if the mandatory settlement conference were to proceed on May
11 7, 2013, the Parties' Settlement Statements would be due on April 26, 2013,
12 providing only two days after Plaintiff's deposition and Defendant's production of
13 documents for the Parties to obtain deposition transcripts, confer with their clients and
14 incorporate the additional discovery into the Parties' Settlement Statements;

15 WHEREAS, Defendant believes that the Parties will be in a better position to
16 assess the case for settlement after the agreed-upon discovery is completed and if the
17 Parties have sufficient time to incorporate such discovery into their Settlement
18 Statements;

19 WHEREAS, in light of the above, Defendant requests to extend the completion
20 date for a mandatory settlement conference by thirty days, from June 4, 2013 to July
21 4, 2013.

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

1 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and
2 between Plaintiff and Defendant, through their respective counsel of record, subject to
3 approval by the Court, that the Order shall be modified to extend the completion date
4 for a mandatory settlement conference to July 4, 2013.

5 IT IS SO STIPULATED.

6
7 Dated: March 27, 2013

LAW OFFICE OF TANIA ROSE

8
9 By: s/ Tania Beth Rose
10 Attorneys for Plaintiff MIKE MAPLES, JR.

11 Dated: March 27, 2013

KATTEN MUCHIN ROSENMAN LLP

12
13 By: s/ Zia F. Modabber
14 Attorneys for Defendant SOLARWINDS, INC.

~~PROPOSED~~ ORDER

The Court has considered the parties' stipulation and, finding good cause therefore, approves the stipulation and modifies its March 8, 2013 Amended Order of Reference to extend the completion date for a mandatory settlement conference before Magistrate Judge Ryu by thirty days, from June 4, 2013 to July 4, 2013.

IT IS SO ORDERED.

Dated: 3/29/13


SAUNDRA BROWN ARMSTRONG
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28