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13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 OAKLAND DIVISION

16 RUBEN SUMERA,

Case No. 4:13-CV-01950-KAW

17
18 Plaintiff,

**STIPULATION AND ~~[PROPOSED]~~ ORDER TO
 CONTINUE DEADLINE FOR MEDIATION**

19 v.

20 ERIC H. HOLDER, JR., DEPARTMENT OF
 JUSTICE, ATTORNEY GENERAL OF THE
 21 UNITED STATES OF AMERICA, in his
 22 official capacity,

23 Defendant.

24
 25 Plaintiff, Ruben Sumera, and Defendant, Eric H. Holder, Jr., Attorney General, U.S. Department
 26 of Justice, in his official capacity, hereby stipulate as follows, subject to the approval of the Court:

1 1. On February 4, 2015, the parties submitted a stipulation reflecting their agreement to
2 participate in mediation. ECF No. 49. On February 5, 2015, the Court adopted and so ordered the
3 parties' stipulation to hold the mediation by 120 days from the date of the order, or by June 5, 2015.
4 ECF No. 50. On March 2, 2015, the Notice of Appointment of Mediator Richard Whitmore was filed.
5 ECF No. 52.

6 2. The parties through their counsel participated in a teleconference with the mediator on
7 March 10, 2015, to discuss mediation procedures and scheduling matters. Immediately prior to this
8 teleconference, counsel conferred and agreed that it would be preferable to extend the current deadline
9 for completion of the mediation in order to permit the parties to resolve discovery issues and complete
10 certain depositions.

11 3. Specifically, Defendant will be deposing Plaintiff on April 30, 2015. Plaintiff has also
12 requested to take the depositions of two of his former supervisors. The parties are working on
13 scheduling these two depositions, one of which will likely require travel to Washington, D.C. Due to
14 counsel's scheduling commitments, including trial dates in another case, it is possible that these
15 depositions may not occur until late June.

16 4. The parties discussed these discovery and scheduling issues with the mediator and agreed
17 that it would allow for a more meaningful mediation if the parties were to seek a 90-day extension of the
18 current mediation deadline. Mediator Whitmore has indicated that he does not have any objection to
19 this requested extension.

20 5. The requested extension will not interfere with the rest of the case management schedule.
21 The fact discovery cut-off date is September 7, 2015, and the trial date is January 25, 2016.

22 6. The parties respectfully request that the Court permit this requested extension and so
23 indicate by signing the proposed order below, thereby extending the current deadline for completion of
24 the mediation by 90 days to September 4, 2015.

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

26 Dated: April 21, 2015

/s/ Michelle Lo

Michelle Lo
Assistant United States Attorney
Counsel for Defendant

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Dated: April 21, 2015

/s/ Russell A. Robinson
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PURSUANT TO STIPULATION, IT IS SO ORDERED. The deadline for completing the mediation is extended to September 4, 2015.

DATED: 4/23/15

Kandis Westmore
Hon. Kandis A. Westmore
United States Magistrate Judge