

1 Michele Ballard Miller (SBN 104198)  
 2 *mbm@millerlawgroup.com*  
 3 Adam J. Tullman (SBN 235694)  
 4 *ajt@millerlawgroup.com*  
 5 MILLER LAW GROUP  
 6 A Professional Corporation  
 7 111 Sutter Street, Suite 700  
 8 San Francisco, CA 94104  
 9 Tel. (415) 464-4300  
 10 Fax (415) 464-4336

11 Attorneys for Defendant  
 12 XEROX CORPORATION

13 Elizabeth L. Riles, Esq. (SBN 197411)  
 14 Bohbot & Riles, LLP  
 15 1814 Franklin St., Suite 800  
 16 Oakland, CA 94612  
 17 Tel. (510) 273-3111  
 18 Fax (510) 273-8911

19 Attorneys for Plaintiffs  
 20 SAKEENAH McCULLOUGH and  
 21 DANIEL GUNTHER

22 UNITED STATES DISTRICT COURT  
 23 NORTHERN DISTRICT OF CALIFORNIA

24 SAKEENAH MCCULLOUGH and DANIEL  
 25 GUNTHER

Case No.: 4:13-cv-04596 JSW

26 Plaintiffs,

**STIPULATION AND ~~[PROPOSED]~~ ORDER  
 CONTINUING THE PARTIES' DEADLINE  
 TO COMPLETE MEDIATION AND FACT  
 DISCOVERY**

27 v.

28 XEROX CORPORATION, a corporation, and  
 DOES One through Thirty-five, inclusive,

Complaint filed: June 27, 2013  
 First Amended Complaint filed: July 26, 2013

Defendants.

MILLER LAW GROUP  
 A PROFESSIONAL CORPORATION  
 CALIFORNIA

1 Plaintiffs SAKEENAH MCCULLOUGH and DANIEL GUNTHER (“Plaintiffs”)
2 and Defendant XEROX CORPORATION (“Defendant”), by and through their respective
3 undersigned attorneys, hereby stipulate and agree to participate in private mediation in lieu
4 of the previously ordered court sponsored mediation and also hereby agree to continue the
5 deadline for the parties to complete mediation in this matter from August 19, 2014 to
6 September 19, 2014, as set forth below. The parties also hereby stipulate and agree to
7 extend the deadline for factual discovery from November 21, 2014 to December 19, 2014.

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9 WHEREAS, on October 4, 2013 Defendant removed this matter to this Court
10 from the San Francisco Superior Court based on Diversity Jurisdiction;

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12 WHEREAS, on January 17, 2014, the parties appeared before the Court for an
13 Initial Case Management Conference;

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15 WHEREAS, on March 7, 2014, the Court appointed Fred D. Butler as Mediator
16 in this matter;

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18 WHEREAS, on March 24, 2014, the Court extended the deadline for the
19 parties to complete the mediation of this matter until August 19, 2014;

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21 WHEREAS the parties originally scheduled the depositions of Plaintiff
22 Sakeenah McCullough and Daniel Gunther for late June, 2014;

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24 WHEREAS due to an unexpected death in the family in the in-house legal
25 department of Defendant Xerox the parties agreed to postpone the depositions;

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1 WHEREAS due to scheduling conflicts between counsel, the parties were  
 2 unable to schedule the depositions until August 19 and 21 (Daniel Gunther) and August 22  
 3 and 29 (Sakeenah McCullough);

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 5 WHEREAS, the parties agree that mediation of this matter would not be  
 6 meaningful without the depositions of the plaintiffs;

7  
 8 WHEREAS, the parties have conferred and have agreed, in place of a half day  
 9 of court sponsored mediation with Fred Butler, to engage a private mediator, Susan  
 10 Haldeman, for a full day of mediation on September 16, 2014, for which the parties have  
 11 agreed to split the cost equally;

12  
 13 WHEREAS, a trial date has not yet been set, and dispositive motions are  
 14 calendared to be heard on April 17, 2015;

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 16 WHEREAS, given the delay in the initial depositions, the parties need an  
 17 additional month to complete factual discovery;

18  
 19 NOW, THEREFORE,

20  
 21 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs and  
 22 Defendant, by and through their respective undersigned attorneys of record, to continue the  
 23 following dates of the Court's Civil Minute Order and subsequent order regarding mediation:

<u>Description</u>	<u>Current Date</u>	<u>Proposed Date</u>
Last Day to complete mediation (formerly through Court sponsored program, now through private mediation)	August 19, 2014	September 19, 2014
Close of Fact Discovery	November 21, 2014	December 19, 2014



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~~PROPOSED~~ ORDER

Having reviewed the Stipulation executed by Plaintiffs SAKEENAH MCCULLOUGH and DANIEL GUNTHER and Defendant XEROX CORPORATION, and good cause appearing, the Court hereby orders that:

- The parties are ordered to complete private mediation, pursuant to their agreement, and in lieu of participating in court sponsored mediation with Fred Butler.
- The deadline for the parties to complete the mediation of this matter through private mediation is hereby continued until September 19, 2014.
- The close of fact discovery is continued until December 19, 2014.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: June 27, 2014

  
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 Hon. Jeffrey S. White  
 District Judge

4814-1832-2971, v. 1