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EXHIBIT A

8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 **KYLE WHELAN AVERY,**
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 Plaintiff,
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 v.
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 16 **CHACON, et al.,**
 17
 Defendants.

C 03-4233 RMW
**STIPULATION AND []
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

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1 The following stipulation requests that the November 22, 2013 case management
2 conference be continued to March 21, 2014, in order to provide the California Department of
3 Corrections and Rehabilitation with additional time to process the settlement payment to Plaintiff.
4 The parties will file a dismissal in the case after the settlement payment is made to Plaintiff.

5 **STIPULATION**

6 Under Civil Local Rules 6-2 and 7-12, Plaintiff Avery and Defendant Thompson, by and
7 through their respective counsel, stipulate and request as follows:

- 8 1. The parties reached an agreement to settle the case in August 2013;
- 9 2. This Court continued the August 30, 2013 case management conference in order to
10 allow the California Department of Corrections and Rehabilitation to begin processing the
11 settlement payment to Plaintiff;
- 12 3. The Department needs additional time to make the settlement payment to Plaintiff;
- 13 4. With respect to Civil L.R. 6-2(a)(1), the parties have conferred and agree that
14 extension of the deadline is desirable so that the settlement payment can be made to Plaintiff and
15 a request for dismissal filed. Such a continuance will allow the parties to avoid taking up the
16 Court's time on November 22;
- 17 5. With respect to Civil L.R. 6-2(a)(2), the previous time modifications in this action
18 include several extensions of time in 2009 and 2010 in connection with the filing of dispositive
19 motions, and the continuance of the August 30, 2013 case management conference;
- 20 6. With respect to Civil L.R. 6-2(a)(3), a continuance of the case management
21 conference to March 21, 2014 will not delay other deadlines in the case, since the matter has
22 settled;

23 THEREFORE, THE PARTIES HEREBY STIPULATE AND REQUEST that the Court
24 continue the case management conference to March 21, 2014.

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Dated: November 20, 2013

By: /s/ Lori Rifkin

Attorney for Plaintiff Kyle Avery

Dated: November 20, 2013

By: /s/ Michael J. Quinn

Attorney for Defendant Thompson

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: *Ronald M. Whyte*
The Honorable Ronald M. Whyte
United States District Court Judge

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