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E-FILED - 10/28/08

5 Attorneys for Defendant
 LOCKE, LIDDELL & SAPP, LLP

7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA
 9 SAN JOSE DIVISION

10 THOMAS FALLON, an Individual, ALEXANDRE
 11 BALKANSKI, an Individual, ROBERT PUETTE,
 an Individual, CARL REDFIELD, an Individual,
 12 RICK TIMMINS, an Individual, on behalf of each,
 individually, and on behalf of the general public,

Case No.: 04-03210 RMW

STIPULATION AND ~~PROPOSED~~ ORDER
CONTINUING TRIAL DATE AND EXPERT
DISCOVERY DEADLINES

13 Plaintiff,

Trial Date: November 10, 2008

14 v.

New Trial Date: May 18, 2009

15 LOCKE, LIDDELL & SAPP, LLP, a Texas limited
 16 professional partnership, and DOES 1 through 100,

Honorable Ronald M. Whyte

17 Defendants.

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 23 Whereas, on October 14, 2008, the parties, by and through their respective counsel, discussed
 24 and agreed that the present trial date of November 10, 2008 should be continued to May 18, 2009 due
 25 to the unavailability of the Court for trial on November 10, 2008.

26 Whereas, the parties, by and through their respective counsel, have agreed that all expert
 27 depositions must now be completed on or before January 15, 2009.

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THEREFORE, IT IS HEREBY ORDERED THAT:

The trial date in this matter is continued from November 10, 2008 to May 18, 2009 at 1:30 p.m. in Courtroom 6. The Pre-Trial Conference in this matter is continued to Thursday, April 30, 2009 at 2:00 p.m. in Courtroom 6. All expert depositions must be completed on or before January 15, 2009. All other pre-trial disclosures required by Judge Whyte's Standing Order Re: Pretrial Preparation will be governed by the new trial date.

SO STIPULATED.

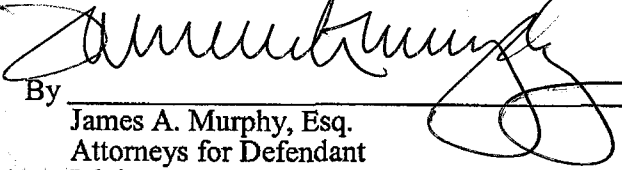
DATED: October 16, 2008

GOTCHETT, PITRE & McCARTHY

By 
Philip L. Gregory, Esq.
Attorney for Plaintiffs
THOMAS FALLON, ALEXANDRE BALKANSKI,
ROBERT PUETTE, CARL REDFIELD, and RICK
TIMMINS


DATED: October 16, 2008

MURPHY, PEARSON, BRADLEY & FEENEY

By 
James A. Murphy, Esq.
Attorneys for Defendant
LOCKE, LIDDELL & SAPP

IT IS SO ORDERED.

Date: 10/22/08


The Honorable Ronald M. Whyte
United States District Court Judge

CERTIFICATE OF SERVICE

I, Julie L. Mori, declare:

I am a citizen of the United States, am over the age of eighteen years, and am not a party to or interested in the within entitled cause. My business address is 88 Kearny Street, 10th Floor, San Francisco, California 94108-5530.

On October 16, 2008, I served the following document(s) on the parties in the within action:

STIPULATION AND [PROPOSED] ORDER CONTINUING TRIAL DATE AND EXPERT DISCOVERY DEADLINES

X	BY MAIL: I am familiar with the business practice for collection and processing of mail. The above-described document(s) will be enclosed in a sealed envelope, with first class postage thereon fully prepaid, and deposited with the United States Postal Service at San Francisco, California on this date, addressed as follows:
	BY HAND: The above-described document(s) will be placed in a sealed envelope which will be hand-delivered on this same date by _____, addressed as follows:
	VIA FACSIMILE: The above-described document(s) will be transmitted via facsimile, and a copy of same will be mailed, on this same date to the following:
	VIA OVERNIGHT SERVICE: The above-described document(s) will be delivered by overnight service, to the following:


Anthony Gordon
5550 Topanga Canyon Boulevard, Suite 200
Woodland Hills, CA 91367-6478

Attorney For Plaintiffs
THOMAS FALLON, ROBERT PUETTE, CARL
REDFIELD AND RICK TIMMINS

Philip Gregory
Cotchett Pitre & McCarthy
SF Airport Office Center
840 Malcolm Rd #200
Burlingame, CA, 94010

Attorney For Plaintiffs
THOMAS FALLON, ROBERT PUETTE, CARL
REDFIELD AND RICK TIMMINS

I declare under penalty of perjury under the laws of the State of California that the foregoing is a true and correct statement and that this Certificate was executed on October 16, 2008.

By 
Julie L. Mori