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

SHOPPERS CORNER, INC., a California Corporation,

Plaintiff,

v.

HUSSMANN CORPORATION, a Missouri Corporation,

Defendant.

Case No.: C07 06437 RS

STIPULATION AND [PROPOSED] ORDER GRANTING REQUEST FOR CONTINUED PARTICIPATION IN THE COURT'S NEUTRAL EVALUATION PROGRAM

Trial Date Not Set

The parties have initiated the Early Neutral Evaluation Program as part of the District Court's ADR requirement. The parties had previously scheduled an evaluation before Early Neutral Evaluator Mr. Arthur D. Levy for November 5, 2008, with the expectation that the Court would have ruled on defendant's motion to dismiss pursuant to F.R.C.P. Rule 12(b)(6) and motion to strike certain portions of plaintiff's complaint pursuant to F.R.C.P. Rule 12. While those motions were heard by this Court on October 20, 2008, the Court has yet to issue its rulings.

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* * * ORDER PURSUANT TO STIPULATION * * *

Since the parties have initiated the Neutral Evaluation Program with Mr. Arthur D. Levy as part of the District's ADR requirement, Mr. Levy is hereby authorized to continue with and the time allotment for the Early Neutral Evaluation Program is extended to January 21, 2009.

The parties will notify Mr. Levy regarding the continuation of the time for the Early Neutral Evaluation Program.

IT IS SO ORDERED.

Dated: November 24, 2008



JAMES WARE
U.S. District Court Judge

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CERTIFICATE OF FILING

I hereby certify that on November 17, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECF system which will send a notification of electronic filing to the following CM/ECF Participants and served upon all counsel of record by placing a copy of the same in the United States Mail, postage prepaid, and sent to their last known address, and served Chamber's Copy via Overnight Federal Express as follows:

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CHAMBER'S COPY SERVED TO JUDGE
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