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5 Attorneys for Defendants, NEIL SMITH and TDG, LLC

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

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11 FIBERTREK, INC., a Nevada corporation;)
LAWRENCE P. WAGNER, an individual; and)
12 JOHN G. PEERY, an individual;)
Plaintiffs,)

Case No. C08 03415 JW (xRS)
JOINT STIPULATION TO EXTEND
MEDIATION COMPLETION DATE

13
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-v-

[All Parties Have Joined in the
Stipulation except PREFERRED
CORPORATE SERVICES, INC.
whose Default has Been Entered]

15 PREFERRED CORPORATE SERVICES, INC., a)
Colorado corporation; DOUGLAS GREGG, an)
16 individual; TDG, LLC, a Colorado limited liability)
company; NEIL SMITH, an individual; and DOES)
17 1-100, inclusive,)
Defendants.)

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22 The parties, FIBERTREK, INC., LAWRENCE P. WAGNER, JOHN G.
23 PEERY, DOUGLAS GREGG, NEIL SMITH and TDG, LLC (collectively, the
24 "Parties"), hereby stipulate to extend the Mediation Completion Date in this case
25 from March 25, 2009, to June 25, 2009, or other reasonable date determined by
26 the Court for the following reasons:

27 1. Defendant, Neil Smith, who lives in Denver, Colorado, and is 79 years
28 old, suffered a stroke of his brain stem on January 21, 2009. A couple of days

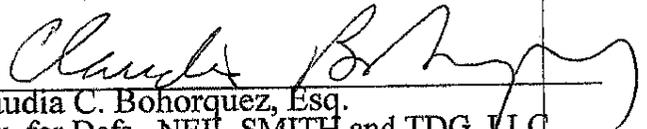
1 old, suffered a stroke of his brain stem on January 21, 2009. A couple of days
2 before his stroke, the parties had scheduled a mediation with Robert Ebe in San
3 Francisco on March 3, 2009. Based on Mr. Smith's prognosis and medical
4 treatment schedule, that mediation was canceled.

5 2. Mr. Smith will require extensive medical treatments and rehabilitation
6 therapy, and as of March 23, 2009, he will begin rehabilitation at Northern
7 Colorado Rehab Center which could last from 6 weeks to 12 months. Travel is
8 not recommended in order to optimize his recovery and decrease chances of future
9 cerebrovascular events. (A letter from his doctor dated February 12, 2009, is
10 attached hereto).

11 3. The Parties stipulate to the extension of the mediation completion date
12 based on these unforeseen circumstances from March 25, 2009, to June 25, 2009,
13 or other date reasonably set by the Court.

14
15 Dated: March 9, 2009

LAW OFFICE OF CLAUDIA C. BOHORQUEZ

16
17 By: 
18 Claudia C. Bohorquez, Esq.
19 Atty. for Defs. NEIL SMITH and TDG, LLC

20 Dated: March 11, 2009

ROPERS, MAJESKI, KOHN & BENTLEY

21
22 By: 
23 Brian M. Affrunti, Esq.
24 Atty. for Pltfs. FIBERTREK, INC.,
25 WAGNER, and PEERY

26 Dated: _____

Douglas Gregg, Defendant In Pro Per

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 2 Francisco on March 3, 2009. Based on Mr. Smith's prognosis and medical
 3 treatment schedule, that mediation was canceled.

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 8 future cerebrovascular events. (A letter from his doctor dated February 12,
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 11 based on these unforeseen circumstances from March 25, 2009, to June 25, 2009,
 12 or other date reasonably set by the Court.

14 Dated: March 9, 2009 LAW OFFICE OF CLAUDIA C. BOHORQUEZ

16 By: _____
 17 Claudia C. Bohorquez, Esq.
 18 Atty. for Defs. NEIL SMITH and TDG, LLC

19 Dated: _____ ROPERS, MAJESKI, KOHN & BENTLEY

21 By: _____
 22 Brian M. Affrunti, Esq.
 23 Attya. for Pltfs. FIBERTREK, INC.,
 24 WAGNER, and PEERY

25 Dated: 03/13/09 Douglas Gregg
 26 Douglas Gregg, Defendant In Pro Per

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA - SAN JOSE DIVISION

FIBERTREK, INC., a Nevada corporation;)
LAWRENCE P. WAGNER, an individual; and)
JOHN G. PEERY, an individual;)

Plaintiffs,)

-v-)

PREFERRED CORPORATE SERVICES, INC., a)
Colorado corporation; DOUGLAS GREGG, an)
individual; TDG, LLC, a Colorado limited liability)
company; NEIL SMITH, an individual; and DOES)
1-100, inclusive,)

Defendants.)

Case No. C08 03415 JW (xRS)

[Signature]
~~PROPOSED~~ ORDER
GRANTING PARTIES' JOINT
STIPULATION TO
CONTINUE MEDIATION
COMPLETION DATE

The Court, having read and considered the Parties' Joint Stipulation to
Continue Mediation Completion Date currently scheduled for March 25, 2009:
HEREBY ORDERS that the Parties' joint stipulation is **APPROVED**;
and the Mediation Completion Date of March 25, 2009, is hereby vacated and the

1 new Mediation Completion Date is June 25, 2009.

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3 Dated: March 19, 2009

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HONORABLE JAMES WARE

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