

1 Marion I. Quesenbery, Cal. SBN 072308
 RYNN & JANOWSKY, LLP
 2 P.O. Box 20799
 Oakland, CA 94620
 3 Telephone: (510) 705-8894
 Facsimile: (510) 705-8737
 4 E-mail: marion@rjlaw.com

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5 Attorneys for Plaintiffs
 Fresh Start Advantage, Inc. and
 6 Fresh Kist Produce, LLC

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

10 FRESH START ADVANTAGE, INC., a
 11 corporation; and FRESH KIST
 PRODUCE, LLC, a limited liability
 12 company,
 13 Plaintiffs,
 14 v.
 15 JOHN D. TAMAGNI, an individual, and
 ROBERT ELLIOTT, an individual,
 16 Defendants.
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CASE NO. C 08-03697 RMW
**STIPULATION & REQUEST TO
 EXTEND DEADLINE FOR ADR
 SESSION AND ORDER**

18 Plaintiffs Fresh Start Advantage, Inc. and Fresh Kist Produce, LLC and Defendants John
 19 D. Tamagni and Robert Elliott respectfully request that the Court extend the deadline to October
 20 30, 2009 to hold an ADR session. The parties wish to mediate this dispute and expect the
 21 mediation to be productive; however, the deadline for completing the mediation was on July 19,
 22 2009.

1 The parties are working with the Court's ADR staff to appoint a new mediator, after
2 which they will promptly schedule a mediation session. They expect that the mediation will be
3 completed by October 30, 2009.

4 I declare under penalty of perjury under the laws of the United States that the foregoing is
5 true and correct.

6 Date: August 12, 2009 RYNN & JANOWSKY, LLP

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8 By: /s/ Marion I. Quesenberg
MARION I. QUESENBERRY
Attorneys for Plaintiffs

9 Date: August 12, 2009 LAW OFFICE OF CLYDE C. PEARCE

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11 By: /s/ Clyde C. Pearce
CLYDE C. PEARCE
12 Attorney for Defendants

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14 **IT IS SO ORDERED. The deadline for the ADR session is extended to October 30,**
15 **2009.**

16 Date: August 25, 2009

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18 _____
19 U.S. DISTRICT COURT JUDGE
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