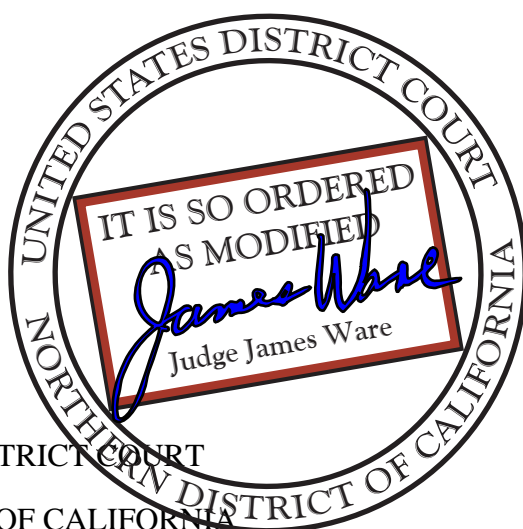


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**Attorneys for Plaintiffs**

9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA  
 11 SAN JOSE DIVISION

12 **CERVANTES, et. al.,**  
 13 Plaintiff,  
 14 vs.

Case No.: 5:08-cv-03817-JW

15 **LIU CHENG INC., et. al.,**  
 16 Defendants.

**STIPULATION TO REFER MATTER  
 TO AN EARLY SETTLEMENT  
 CONFERENCE; AND  
 [PROPOSED] ORDER THEREON**

17 The parties through their respective counsel hereby request that this Court refer them to an  
 18 Early Settlement Conference before a Magistrate Judge within forty-five (45) days of entry of this  
 19 Order or as soon thereafter as the schedule of the assigned Magistrate Judge will allow.

20 The Court-ordered discovery deadline has run. At this point, the parties have conducted  
 21 extensive discovery. The facts on the records, although not devoid of disputes, are sufficiently  
 22 developed to facilitate the parties' engagement in final efforts for settlement before the parties  
 23 begin preparations for trial, which inevitably would be intensive and time consuming and would  
 24 drive up costs and fees on both sides.

25 The parties have also engaged in a court-sponsored mediation. At mediation, much  
 26 progress was made toward settlement, although resolution of the matter was not ultimately  
 27 achieved. It is clear to both sides that if this matter does not settle promptly, trial will be  
 28 imminent.

1 Given that extensive time and effort has already been invested in this matter, and that  
2 undoubtedly much more will be spent in preparation for trial, the parties agree that now is the time  
3 to push toward settlement in this matter. Further, given that the parties were able to make progress  
4 toward resolution of the matter during the mediation, they are optimistic that an agreement will be  
5 reached at the settlement conference.

6 Therefore, the parties request that an Early Settlement Conference be scheduled within  
7 forty-five (45) days of entry of this Order.

8  
9 Respectfully submitted,

10 Dated: November 3, 2009

11 By: /s/Adam Wang  
12 ADAM WANG  
13 Attorney for Plaintiffs

14 Dated: November 3, 2009

15 By: /s/ D. Austin Hare  
16 D. AUSTIN HARE  
17 Attorney for Defendants

18 ~~PROPOSED~~ **ORDER**

19 GOOD CAUSE APPEARING, and pursuant to the parties' stipulation and ADR Local  
20 Rule 7-2, IT IS HEREBY ORDERED that this matter be referred to an Early Settlement  
21 Conference before the Magistrate Judge Trumbull. Within ten (10) days from the date of this Order  
22 the parties shall contact Judge Trumbull's Chambers to schedule their conference.

23 Dated: November 19, 2009

24 James Ware  
25 JAMES WARE  
26 United States District Judge