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10 Attorney for Plaintiff  
 DALE ROYAL BUXTON

11 UNITED STATES DISTRICT COURT  
 12 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 13 SAN JOSE OFFICE

14 DALE ROYAL BUXTON,	)	Case No. C08-04404 RMW
	)	
15 Plaintiff,	)	<b>JOINT STIPULATION AND</b>
	)	<b>[] ORDER TO CONTINUE</b>
16 v.	)	<b>TRIAL AND PRE-TRIAL DEADLINES</b>
	)	
17 EAGLE TEST SYSTEMS, INC.,	)	
	)	
18 Defendant.	)	
	)	

20 The Parties to the above entitled action, Eagle Test Systems, Inc. (“Defendant”) and Dale  
 21 Royal Buxton (“Plaintiff”) (collectively referred to as the “Parties”), by and through their  
 22 undersigned counsel, hereby stipulate and agree as follows:

- 23 1. WHEREAS, the trial in this matter is currently scheduled for April 25, 2011;
- 24 2. WHEREAS, the Pre-Trial Conference is currently scheduled for April 7, 2011;
- 25 3. WHEREAS, the Joint Pre-Trial statement is due April 1, 2011;
- 26 4. WHEREAS, the expert discovery cut-off was March 18, 2011;

1           5.       WHEREAS, on November 23, 2010, Defendant filed a Motion for Summary  
2 Judgment and/or Adjudication (“Defendant’s Motion”), seeking dismissal of all claims for which  
3 there is no genuine issue of material fact;

4           6.       WHEREAS, on March 1, 2011, the Parties jointly filed a letter with the Court,  
5 requesting a case management conference, extension of the pre-trial deadlines, and/or a brief trial  
6 continuance;

7           7.       WHEREAS, on March 4, 2011, this Court issued an Order (“March 4th Order”),  
8 instructing the Parties to meet and confer regarding a proposed schedule for pre-trial preparation,  
9 in light of the fact that the Court anticipated issuing an order on Defendant’s Motion by March  
10 18, 2011.

11          8.       WHEREAS, the March 4th Order further stated that, if the Court did not issue a  
12 ruling on Defendant’s Motion by March 18, 2011, the parties were to further meet and confer  
13 regarding the pre-trial schedule and a trial continuance.

14          9.       WHEREAS, on March 7, 2011, the Parties met and conferred, and agreed to  
15 stipulate to a brief continuance of the pre-trial deadlines;

16          10.      WHEREAS, on March 10, 2011, the Parties filed a Joint Stipulation to Continue  
17 the Pre-Trial deadlines;

18          11.      WHEREAS, on March 21, 2011, the parties further met and conferred and  
19 specifically agreed to a continuance of the pre-trial deadlines and trial date in accordance with  
20 the following calendar:

- 21           a.      The trial date is continued 30-90 days, based on the Court’s availability  
22                   and the availability of counsel;
- 23           b.      The pre-trial conference, expert discovery and pre-trial filing deadlines (as  
24                   stated in Judge Whyte’s Standing Order Re: Pre-Trial Preparation) will be  
25                   continued in accordance with the new trial date;
- 26           c.      The parties request a Case Management Conference in order to set a new  
27                   trial date and re-set all pre-trial deadlines;

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- d. The expert witness disclosure deadline is closed;
- e. Defendant will produce its expert witness report on a date to be determined at the Case Management Conference

12. WHEREAS, the Parties have agreed not to reopen discovery in this matter (other than expert discovery), and that any further discovery can only be accomplished by stipulation or Court order;

**NOW THEREFORE**, all Parties hereto stipulate and agree that the Court may enter an Order, vacating the current trial date and setting a Case Management Conference in order to set a new trial date and re-set pre-trial deadlines, in accordance with Section 11(a-e) above.

**IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**

DATED: March 21, 2011

SEYFARTH SHAW LLP

By \_\_\_\_\_ /s/  
Ari Hersher

Attorneys for Defendant  
EAGLE TEST SYSTEMS, INC.

DATED: March 21, 2011

BOHN & BOHN LLP

BY \_\_\_\_\_ /s/  
Robert H. Bohn

Attorney for Plaintiff  
DALE ROYAL BUXTON

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 3/30/11



Hon. Ronald M. Whyte  
United States District Judge

The Court vacates the Pretrial Conference, Pretrial deadlines, and Trial date. The Court hereby sets a Case Management Conference for April 22, 2011 at 10:30 am.