

1 SEYFARTH SHAW LLP
 G. Daniel Newland (SBN 087965) dnewland@seyfarth.com
 2 Michael J. Burns (SBN 172614) mburns@seyfarth.com
 Ari Hersher (SBN 260321) ahersher@seyfarth.com
 3 560 Mission Street, Suite 3100
 San Francisco, California 94105
 4 Telephone: (415) 397-2823
 Facsimile: (415) 397-8549

5 Attorneys for Defendant
 6 EAGLE TEST SYSTEMS, INC.

7 BOHN & BOHN LLP
 Robert H. Bohn (SBN 36283) bbohn@bohnlaw.com
 8 152 North Third Street, Suite 200
 San Jose, California 95112
 9 Telephone: (408) 279-4222
 Facsimile: (408) 295-2222

E-FILED - 6/22/11

10 Attorney for Plaintiff
 11 DALE ROYAL BUXTON

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

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

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

- 24 1. WHEREAS, the trial in this matter is currently scheduled for September 26, 2011;
- 25 2. WHEREAS, the pre-trial conference is currently scheduled for September 15,
 26 2011;
- 27 3. WHEREAS, the joint pre-trial statement is due September 9, 2011;
- 28 4. WHEREAS, the expert discovery cut-off is June 17, 2011;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

5. WHEREAS, on June 7, 2011, fact witness Leonard Foxman ("Foxman") informed counsel for Defendant that Foxman would be unable to attend the trial as currently scheduled, due to his religious observance of the Jewish holidays Rosh Hashanah and Yom Kippur.

6. WHEREAS, Foxman further stated that, due to this religious observance, he would be unavailable from September 28, 2011 until October 8, 2011;

7. WHEREAS, the Parties agree that Foxman is an integral witness, whose attendance at trial is necessary;

8. WHEREAS, on June 7, 2011, counsel for Defendant contacted Court clerk Jackie Garcia to confirm the Court's availability for trial on October 17, 2011;

9. WHEREAS, on June 8-9, 2011, the Parties met and conferred, and agreed to stipulate to a brief continuance of the trial and pre-trial deadlines;

10. WHEREAS, the Parties have specifically agreed to a continuance of the pre-trial deadlines and trial date in accordance with the following calendar:

- a. The trial date is continued until October 17, 2011;
- b. The pre-trial conference, joint pre-trial statement, and pre-trial filing deadlines (as stated in Judge Whyte's Standing Order Re: Pre-Trial Preparation) will be continued in accordance with the new trial date;
- c. The expert witness disclosure deadline remains closed;

11. WHEREAS, the Parties have agreed not to reopen discovery in this matter, 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 new trial date for October 17, 2011. The Parties further stipulate and agree that the Court may enter an Order, re-setting the pre-trial deadlines, in accordance with Judge Whyte's Standing Order Re: Pre-Trial Preparation and Section 10(a-c) above.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: June 13, 2011

SEYFARTH SHAW LLP

BY /S/
Ari Hersher

Attorney for Defendant
EAGLE TEST SYSTEMS, INC.

DATED: June 13, 2011

BOHN & BOHN LLP

BY /S/
Robert H. Bohn

Attorney for Plaintiff
DALE ROYAL BUXTON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/22/11

Ronald M. Whyte

Hon. Ronald M. Whyte
United States District Judge

Pretrial Conference is set for October 6, 2011 at 2:00 p.m.
Joint Pretrial Statement due September 30, 2011.