



1           On January 19, 2012, Defendant Cai requested that the Court continue the case  
2 management conference set for January 25, 2012, to a later date. ECF No. 64. Considering that  
3 Defendant Cai's participation at the case management conference will be seriously hampered due  
4 to his custodial status and to his lack of legal representation, the Court GRANTS Defendant Cai's  
5 request, and continues the case management conference to February 29, 2012, at 2:00 p.m.

6           This matter has been open for nearly three years and discovery has not commenced. In  
7 light of the above-mentioned challenges to Defendant Cai's active participation in this matter, the  
8 Court asks the parties to consider stipulating to a dismissal without prejudice and to the tolling of  
9 the statute of limitations for any claims and counterclaims. *See, e.g., O'Keeffe's Inc. v. Technical*  
10 *Glass Prods.*, 5:07-CV-03535-LHK, ECF No. 154. If the parties file a stipulation of dismissal by  
11 12:00 p.m. on February 22, 2012, the Court will vacate the case management conference set for  
12 2:00 p.m. on February 29, 2012. Alternatively, the parties may consider moving the Court to stay  
13 this action and administratively close the file pending resolution of Defendant Cai's criminal trial  
14 and/or his appointment of counsel.

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16 **IT IS SO ORDERED.**

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18 Dated: January 19, 2012

  
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LUCY H. KOH  
United States District Judge