

1 Greg L. Lippetz (State Bar No. 154228)
 2 glippetz@jonesday.com
 3 Cora L. Schmid (State Bar No. 237267)
 4 cschmid@jonesday.com
 5 JONES DAY
 6 1755 Embarcadero Road
 7 Palo Alto, CA 94303
 8 Telephone: 650-739-3939
 9 Facsimile: 650-739-3900

David N. Kuhn - State Bar No. 73389
 Attorney-at-Law
 144 Hagar Avenue
 Piedmont, CA 94611
 Telephone: (510) 653-4983
 E-mail: dnkuhn@pacbell.net
 Attorney for Plaintiff Gregory Bender

6 Attorneys for Defendant
 7 International Business Machines
 8 Corporation

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

12 Gregory Bender,
 13 Plaintiff,
 14 v.
 15 International Business Machines
 16 Corporation,
 17 Defendant.

Case No. C09-01249-RMW

**STIPULATED REQUEST AND
 [] ORDER TO
 RESCHEDULE FURTHER CASE
 MANAGEMENT CONFERENCE**

18 Pursuant to Civil L.R. 6-2, Defendant International Business Machines Corporation
 19 (“Defendant”) and Plaintiff Gregory Bender (“Plaintiff”) through their respective counsel, hereby
 20 jointly request that the Court change the time for the parties’ Further Case Management
 21 Conference, currently scheduled on July 30, 2010, at 10:30 a.m., to September 3, 2010, at 10:30
 22 a.m., or anytime thereafter.

23 WHEREAS, pursuant to the June 2, 2010 Clerk’s Notice of Continuance of Case
 24 Management Conference, (D.I. 70), a Further Case Management Conference in this action is
 25 scheduled for July 30, 2010 at 10:30 a.m. in the San Jose Division.

26 WHEREAS, a hearing on a motion in one of plaintiff’s parallel cases in this district,
 27 *Bender v. Maxim Integrated Products, Inc.*, 3:09-cv-01152-SI, is scheduled on the same day as
 28

1 the Further Case Management Conference, July 30, 2010, at 9:00 a.m. in the San Francisco
2 Division.

3 WHEREAS, plaintiff's counsel is a sole practitioner, who may be unable to attend
4 hearings in both the San Jose and San Francisco division in the same morning.

5 WHEREAS, the requested time modification would have no effect on the schedule for the
6 case as no schedule has yet been entered in this case.

7
8 THE PARTIES HEREBY JOINTLY REQUEST THAT:

9 1. The Further Case Management Conference that is currently scheduled on July 30,
10 2010, at 10:30 a.m., be rescheduled for September 3, 2010, at 10:30 a.m., or anytime thereafter.

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Respectfully submitted,

Dated: July 23, 2010

Jones Day

By: /s/ Gregory Lippetz
Greg L. Lippetz
State Bar No. 154228
JONES DAY
Silicon Valley Office
1755 Embarcadero Road
Palo Alto, CA 94303
Telephone: 650-739-3939
Facsimile: 650-739-3900

Counsel for Defendant International Business
Machines Corporation

In accordance with General Order No. 45, Section X(B), the above signatory attests that
concurrence in the filing of this document has been obtained from the signatory below.

Dated: July 23, 2010

By: /s/ David Kuhn
David N. Kuhn
Attorney-at-Law
144 Hagar Avenue
Piedmont, California 94611
Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 7/29 , 2010

By: Ronald M. Whyte
THE HON. RONALD M. WHYTE
United States District Court Judge