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 Attorney for Plaintiff Gregory Bender

6 Attorneys for Defendant  
 7 International Business Machines  
 Corporation

**\*E-FILED - 9/2/10\***

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  
 Corporation,  
 16 Defendant.  
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Case No. C09-01249-RMW  
**STIPULATED REQUEST AND  
 [] ORDER TO  
 RESCHEDULE FURTHER CASE  
 MANAGEMENT CONFERENCE**

18 WHEREAS, a Case Management Conference is currently set for September 3, 2010, at  
 19 10:30 A.M.

20 WHEREAS, the parties have reached a tentative settlement agreement.

21 WHEREAS, the parties need additional time to finalize their settlement agreement and file  
 22 the requisite documents with the Court.

23 THE PARTIES HEREBY SUBMIT THIS STIPULATED REQUEST THAT the Court  
 24 reschedule the Further Case Management Conference currently scheduled for September 3, 2010,  
 25 to November 5, 2010, at 10:30, or any time thereafter, to allow the parties time to finalize their  
 26 settlement agreement and file the requisite documents with the Court.

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Respectfully submitted,

Dated: August 26, 2010

Jones Day

By:           /s/ Gregory Lippetz            
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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: August 26, 2010

By:           /s/ David Kuhn            
David N. Kuhn  
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Piedmont, California 94611  
Telephone: (510) 653-4983

Counsel for Plaintiff Gregory Bender

**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

DATED:   9/2                          , 2010

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

SVI-84239v1