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8 Attorney for Plaintiff

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

11 MARIO BARRERAS VALENZUELA, on
 12 behalf of all similarly situated others,

Case No.: C09-1698 RS

13 Plaintiffs,

STIPULATION TO CONTINUE THE
 FURTHER CASE MANAGEMENT
 CONFERENCE & ~~PROPOSED~~ ORDER

14 vs.

AS MODIFIED BY THE COURT

15 MC2 POOL & SPA, MICHAEL & BRIAN
 16 MCFALL PTRS, GUILLERMO B MCFALL,
 17 BRIAN MCFALL, and DOES 1-10

18 Defendants

19 Parties, through their respective counsel, hereby stipulate as follows:

20 1. Parties had scheduled a mediation on January 12, 2009 based on a preliminary
 21 understanding reached between parties during the pre-mediation conference with the mediator.

22 2. Subsequently, a discovery dispute arose which will need to be resolved via a
 23 motion. This dispute will affect the mediation to go forward as scheduled. A further conference
 24 with the mediation was scheduled on December 10, 2009.

25 3. As such, at this point, with the uncertainty concerning the mediation, parties are
 not able to intelligently discuss the timetable of this case.

4. Therefore, the parties request that the further Case Management Conference currently
 scheduled for Wednesday December 16, 2009 be continued until Wednesday December 30, 2009 with
 the joint case management conference statement due on Wednesday December 23, 2009.

**STIPULATION TO CONTINUE THE FURTHER CASE MANAGEMENT CONFERENCE &
~~PROPOSED~~ ORDER**

Valenzuela v. Michael & Brian Mcfall PTRS., et al.

The Case Management Conference will be telephonic. No later than **December 23, 2009**, all parties should contact Court Conference at 866/582-6878 to arrange their telephone participation.

Dated: December 9, 2009

By: /s/ Adam Wang
Adam Wang
Attorney for Plaintiff


Dated: December 9, 2009

By: /s/ P Sophie Mai
P. Sophie Mai
Attorney for Defendants

~~PROPOSED~~ ORDER

Pursuant to parties' stipulation, IT IS ORDERED.

Date: December 10, 2009

By: 
Richard Seeborg
United States Magistrate Judge

STIPULATION TO CONTINUE THE FURTHER CASE MANAGEMENT CONFERENCE &
~~PROPOSED~~ ORDER
Valenzuela v. Michael & Brian Mcfall PTRS., et al.