

E-Filed 5/5/10

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9 UNITED STATES DISTRICT COURT
 10 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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12 MARIO BARRERAS VALENZUELA

13 Plaintiff,

14 v.

15 MC 2 POOL & SPA, MICHAEL & BRIAN
 16 MCFALL PTRS, GUILLERMO B MCFALL,
 17 BRIAN MCFALL and DOES 1-10.

18 Defendants.
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CASE NO. 09-01698 RS

STIPULATION AND ~~PROPOSED~~ ORDER
 TO EXTEND TIME TO COMPLETE
 MEDIATION

20 Plaintiff Mario Barreras Valenzuela and Defendants MC 2 POOL, et al, hereby file this Stipulation
 21 and proposed order extending time to complete mediation.

- 22 1. On August 12, 2009, per stipulation and court order, a court appointed mediation was
 to be completed by November 12, 2009.
- 23 2. On September 15, 2009, Mr. Victor Schacter was named as the court-appointed
 24 mediator to this matter.
- 25 3. On October 1, 2010, by mutual agreement of all parties via conference call, the
 26 mediation was scheduled for Tuesday January 12, 2010.
- 27 4. In December 2009, a discovery dispute arose between the two parties. As a result, the
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STIPULATION AND ~~PROPOSED~~ ORDER TO EXTEND TIME TO COMPLETE MEDIATION C09-01698 RS

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previously scheduled January 12, 2009 mediation was taken off calendar. On February 22, 2010, Mr. Schacter’s appointment as mediator was vacated due to a scheduling conflict.

5. On December 28, 2009, a case management scheduling order set the new mediation deadline for May 15, 2010.

6. On March 8, 2010 a second mediator, retired Judge Suzanne Nussbaum was appointed and a mediation was again set for May 5, 2010. However, after some discussion amongst counsel regarding Judge Nussbaum’s inexperience handling collective cases, both parties objected to Judge Nussbaum’s appointment as mediator.

7. On April 13, 2010, a third mediator, Thomas Denver was appointed as mediator. A tentative mediation has been set for June 22, 2010.

8. Due to the recent, multiple appointments of mediators, both parties request that a new mediation deadline be set for July 15, 2010.

9. There are no additional anticipated changes to the case management order at this time.

Respectfully Submitted,

SIMS & LAYTON

Date :5/4/2010

/s/ Sophie Mai Gines
PHILLIP M. SIMS
SOPHIE MAI GINES
Attorneys for *Defendants* MC 2 POOL & SPA
et al.

Date 5/4/2010

/S/ Adam Wang
ADAM WANG, ESQ.
Attorney for Plaintiffs

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~~[Proposed]~~ Order

The court hereby grants extension of the previously set mediation deadline of May 15, 2010 to July 15, 2010. There are no further anticipated changes to the court dates previously ordered to in the December 28, 2009 case management order.

Date 5/5/10



US District Judge Richard Seeborg