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10 **UNITED STATES DISTRICT COURT**
NORTHERN DISTRICT OF CALIFORNIA
 11 **SAN JOSE DIVISION**

| | | | |
|----|---------------------------------------|---|--------------------------|
| 12 | HAIPING SU, |) | |
| | |) | |
| 13 | Plaintiff, |) | |
| | |) | Case No. C09-02838 JW |
| 14 | v. |) | |
| | |) | STIPULATION TO CONTINUE |
| 15 | NATIONAL AERONAUTICS AND |) | ADR TELEPHONE CONFERENCE |
| | SPACE ADMINISTRATION, <u>et al.</u> , |) | |
| 16 | |) | |
| | Defendants. |) | |
| 17 | _____ |) | |

18 Pursuant to Civil L. R. 6-1(a), the parties jointly request a continuance of the ADR
 19 telephone conference. On September 30, 2009, the parties filed a Notice of Need for ADR
 20 Phone Conference. While the parties have not agreed on an ADR process, the parties agree that
 21 no ADR process is appropriate in this case at this time. Accordingly, while ADR L.R. 3-5
 22 requires a telephone conference with the ADR Director or Program Counsel, the parties hereby
 23 jointly request a continuation of this telephone conference.

24 The Initial Case Management Conference is currently scheduled to take place on October
 25 26, 2009; however, defendants anticipate filing a Motion to Dismiss on October 8, 2009, and
 26 have moved to continue that conference until after their Motion to Dismiss is decided.
 27 Defendants request that the ADR telephone conference be postponed until after disposition of

1 their Motion to Dismiss. Plaintiff requests that the telephone conference be postponed until
2 November 30, 2009, even if the Motion to Dismiss has not yet been decided. This change will
3 not alter the date of any event or any deadline already fixed by Court order.
4

5 Dated: September 30, 2009

6 /s/ Vesper Mei
7 Vesper Mei
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Attorney for Defendants

12 Dated: September 30, 2009

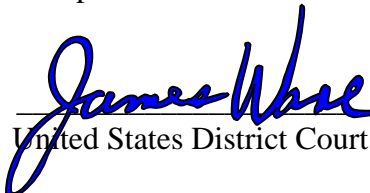
14 /s/ Tyler Atkinson
15 Tyler Atkinson
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Attorney for Plaintiff

21 **IT IS SO ORDERED:**

22 The ADR telephone conference is postponed until after the Court's disposition Defendant's
23 Motion to Dismiss. If the hearing and ruling on the Defendant's Anticipated Motion to
24 Dismiss is delayed by the Court's own schedule the parties are to contact the ADR program
25 no later than **November 30, 2009.**

26 Dated: October 5, 2009

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United States District Court