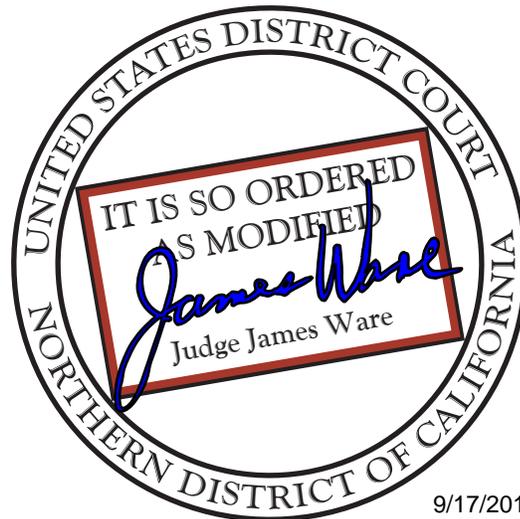


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14  
 15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA  
 17 SAN JOSE DIVISION

18 KELLY HARRIS,  
 19  
 20 Plaintiff;  
 21 v.  
 22 THE LEUKEMIA & LYMPHOMA  
 SOCIETY, a New York corporation, and  
 23 DOES 1 through 10, inclusive,  
 24 Defendants.

Case No. C-09-04530 JW

**STIPULATION MODIFYING SCHEDULING  
 ORDER AND [PROPOSED] ORDER**

25  
 26 WHEREAS, on March 11, 2010, this Court entered its Scheduling Order [Doc. #20]; and  
 27  
 28

1           WHEREAS, on March 22, 2010, this Court entered its Order [Doc. #21], referring the above-  
2 captioned matter to Early Neutral Evaluation (“ENE”) to be held within 90 days from the date of the  
3 Order; and

4           WHEREAS, on April 5, 2010, by the ADR Clerk’s Notice [Doc. #22], the parties were  
5 notified that John L. Beers had been appointed as ENE Evaluator; and

6           WHEREAS, on May 12, 2010, this Court entered its Notice Vacating Appointment of  
7 Evaluator [Doc. #23]; and

8           WHEREAS, on May 17, 2010, this Court entered its Notice of Appointment of Evaluator  
9 [Doc. #24], notifying the parties that Hon. David A. Garcia (Ret.) had been assigned as the ENE  
10 Evaluator; and

11           WHEREAS, on June 4, 2010, following the parties’ stipulation, this Court entered its Order  
12 [Doc. #26], extending the time to complete the ENE session to August 17, 2010; and

13           WHEREAS, the parties engaged in ENE on August 11, 2010 with Hon. David A. Garcia  
14 (Ret.) of JAMS, but were unsuccessful in resolving their dispute; and

15           WHEREAS, following the unsuccessful conclusion of the ENE, the parties are now in the  
16 process of propounding discovery, scheduling depositions, and working out a discovery schedule;  
17 and

18           WHEREAS, discovery and depositions have not proceeded as quickly as had been  
19 contemplated by the Scheduling Order [Doc. #20], in large part because the parties were preparing  
20 for and participating in the ENE process in an attempt to resolve their dispute, rather than incur the  
21 expense of extensive discovery; and

22           WHEREAS, based on the foregoing, the parties hereto agree that the discovery plan set forth  
23 in Docket No. 19 and case schedule set forth in Docket No. 20 should be modified to allow time for  
24 written discovery to be propounded and answered, depositions to be conducted, and appropriate  
25 experts to be disclosed;

26           NOW, THEREFORE, based on the foregoing, the below identified parties HEREBY AGREE  
27 and STIPULATE THAT the case schedule set forth in Docket No. 20, should be modified as set forth  
28 below:

1 **CASE SCHEDULE**

2

<b>Deadline/Event</b>	<b>Date</b>
3 Close of All Discovery	<b>February 14, 2011</b>
4 Last Day for Hearing Dispositive Motions	<b>April 11, 2011</b>
5 Preliminary Pretrial Conference at 11:00 a.m.	<b>January 24, 2011</b>
6 Preliminary Pretrial Conference Statements	<b>January 14, 2011</b>

7 **IT IS SO STIPULATED.**

8

9 Dated: September 15, 2010. WYLIE, McBRIDE, PLATTEN & RENNER

10

11 By: /s/ John McBride  
12 John McBride  
13 Attorneys for Plaintiff Kelly Harris

14 Dated: September 15, 2010. GREENBERG TRAURIG, LLP

15

16 By: /s/ William J. Goines  
17 William J. Goines  
18 Karen Rosenthal  
19 Cindy Hamilton  
20 Alice Chu  
21 Attorneys for Defendant The Leukemia & Lymphoma Society

22 **ATTESTATION CLAUSE**

23 I, William J. Goines, am the ECF User whose ID and password are being used to file this  
24 Stipulation to Modify Scheduling Order and [Proposed] Order. In compliance with General Order  
25 45, X.B., I hereby attest that John McBride has concurred in this filing.

26 Dated: September 15, 2010.

27 /s/ William J. Goines

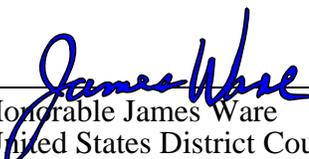
28

1 ~~PROPOSED~~ ORDER

2 **IT IS SO ORDERED.**

3 The case schedule is modified as outlined above.

4  
5  
6 Dated: September 17, 2010

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9 Honorable James Ware  
10 United States District Court Judge  
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