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6 Attorneys for Defendant  
 7 KING PHARMACEUTICALS, INC.

8 UNITED STATES DISTRICT COURT  
 9 NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION

11 ANTHONY M. GAIRNESE,  
 12 Plaintiff,  
 13 v.  
 14 KING PHARMACEUTICALS, INC.,  
 15 Defendants.

Case No. CV 09-04839 JW

**STIPULATION AND [PROPOSED]  
 ORDER TO EXTEND ADR DEADLINE**

17 WHEREAS, on February 17, 2010, this Court issued its Scheduling Order in this case, in  
 18 which the parties were ordered to engage in a telephonic conference with the Court's ADR  
 19 Program to discuss an appropriate ADR process for this case;

20 WHEREAS, on March 9, 2010, the parties complied with that order and held a telephonic  
 21 conference with the ADR Program representative;

22 WHEREAS, with the assistance of the ADR program representative, the parties stipulated  
 23 to engage in private mediation after each side had the opportunity to take one deposition in April  
 24 2010, and to attend and complete mediation within 90 days (July 2010) after both of those  
 25 depositions were completed.

26 WHEREAS, on April 9, 2010, this Court issued an Order, pursuant to the stipulation of  
 27 the parties, for mediation to be completed in July 2010.

1 WHEREAS, due to scheduling conflicts and the unavailability of the parties, the parties  
2 have been unable to complete mediation by July 2010.

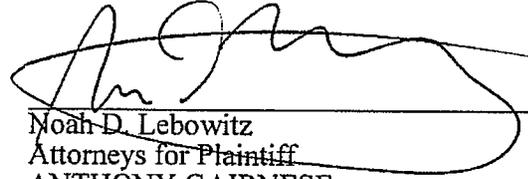
3 WHEREAS, the parties have scheduled a mediation in this matter on August 13, 2010,  
4 before JAMS mediator Michael Loeb.

5 WHEREAS, the parties through their respective counsel of record stipulate and agree as  
6 follows:

7 The parties have agreed to continue the mediation completion date in this matter to  
8 August 31, 2010.

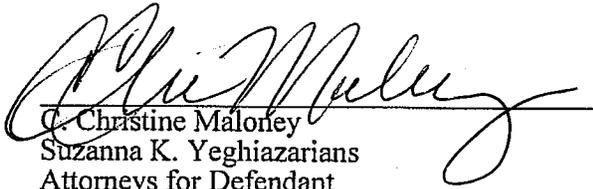
9  
10 Dated: July 15, 2010

DUCKWORTH · PETERS · LEBOWITZ LLP

11  
12 By:   
13 Noah D. Lebowitz  
14 Attorneys for Plaintiff  
ANTHONY GAIRNESE

15 Dated: July 19, 2010

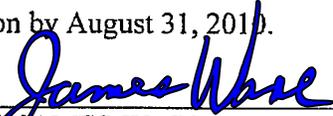
JACKSON LEWIS LLP

16  
17 By:   
18 C. Christine Maloney  
19 Suzanna K. Yeghiazarians  
Attorneys for Defendant  
KING PHARMACEUTICALS, INC.

20  
21 **ORDER**

22 Having considered the above Stipulation, and finding good cause, the Court HEREBY  
23 ORDERS the parties to engage in private mediation by August 31, 2010.

24 Dated: July 23, 2010

25   
26 HON. JAMES WARE  
27 U.S. DISTRICT COURT JUDGE