

1 MELINDA S. RIECHERT, State Bar No. 65504  
 2 KATHRYN M. DANCISAK, State Bar No. 259392  
 3 MORGAN, LEWIS & BOCKIUS LLP  
 4 2 Palo Alto Square  
 5 3000 El Camino Real, Suite 700  
 6 Palo Alto, CA 94306-2122  
 7 Telephone: 650.843.4000  
 8 Facsimile: 650.843.4001  
 9 E-mail: mriechert@morganlewis.com;  
 10 kdancisak@morganlewis.com

11 Attorneys for Defendant and Counter Claimant  
 12 LOCKHEED MARTIN CORPORATION

13 PHILLIP J. GRIEGO, State Bar No. 76616  
 14 RUTGER J. HEYMANN, State Bar No. 212549  
 15 PHILLIP J. GRIEGO & ASSOCIATES  
 16 95 S. Market Street, Suite 520  
 17 San Jose, CA 95113  
 18 Telephone: 408.293.6341  
 19 Facsimile: 408.293.1959  
 20 Email: phil@griegolaw.com;  
 21 rheyman@griegolaw.com

22 JAMES H. SHOEMAKER, JR. (*Admitted Pro Hac Vice*)  
 23 PATTEN, WORNOM, HATTEN & DIAMONSTEIN, L.C.  
 24 12350 Jefferson Avenue, Suite 300  
 25 Newport News, VA 23602  
 26 Telephone: 757.223.4580  
 27 Facsimile: 757.223.4518  
 28 Email: Jshoemaker@pwhd.com

Attorneys for Plaintiff and Counter Defendant  
 RONALD M. NAKAMOTO

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA  
 SAN JOSE DIVISION

RONALD M. NAKAMOTO  
 Plaintiff,  
 vs.  
 LOCKHEED MARTIN CORPORATION,  
 Defendant.

Case No. 5:09-CV-05193 JF

**STIPULATION AND ~~PROPOSED~~  
 ORDER MODIFYING ADR DEADLINE**

Complaint filed: November 3, 2009  
 Trial date: Not set

1 Plaintiff and Counter Defendant Ronald M. Nakamoto (“Plaintiff” or “Nakamoto”) and  
2 Defendant and Counter Claimant Lockheed Martin Corporation (“Defendant” or “Lockheed”),  
3 the parties to the above-entitled action (collectively referred to herein as the “Parties”), by and  
4 through their undersigned counsel, jointly submit this Stipulation to the Court:

5 **STIPULATION**

6 WHEREAS, on May 13, 2010, the Court issued an Order Selecting ADR Process in the  
7 above-entitled action (“Order”);

8 WHEREAS, the Court’s Order approved the stipulation between the Parties to participate  
9 in a Court-sponsored mediation;

10 WHEREAS, according to the Court’s Order, the deadline for the Parties to hold a Court-  
11 sponsored mediation is 90 days from the date of the Order, or August 11, 2010;

12 WHEREAS, the Court heard Defendant’s Motion to Dismiss, or in the Alternative,  
13 Motion for Summary Adjudication, and Motion to Strike, on May 28, 2010;

14 WHEREAS, Defendant filed its Answer to Plaintiff’s Complaint and its Counter Claim on  
15 June 22, 2010;

16 WHEREAS, Plaintiff will file his Answer to Defendant’s Counter Claim on July 20,  
17 2010;

18 WHEREAS, the Parties have not been able to complete initial written discovery and  
19 Defendant has not been able to complete Plaintiff’s deposition, and will not have sufficient time  
20 to complete initial written discovery and Plaintiff’s deposition before the currently scheduled  
21 deadline to participate in a mediation;

22 WHEREAS, the Parties agree that it would be beneficial for settlement purposes if the  
23 Parties completed initial written discovery and Plaintiff’s deposition prior to participating in a  
24 mediation;

25 WHEREAS, the Parties have not previously requested any extensions of the deadlines set  
26 forth in the Court’s Order;

27 WHEREAS, for good cause and to promote settlement and avoid prejudice that would  
28 result to both Parties if the deadline to participate in a mediation is not revised, the Parties jointly

1 request an extension of the deadline to participate in a mediation set forth in the Court's Order;

2 NOW, THEREFORE, Plaintiff and Defendant, through their undersigned respective  
3 counsel, stipulate and request that the Court approve the following revised deadline:

4 Last day for the Parties to participate in a mediation: 10/11/2010

5 To avoid prejudice to both Parties, GOOD CAUSE exists to modify the deadline in this  
6 action as described herein.

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9 Dated: July 23, 2010

MORGAN, LEWIS & BOCKIUS LLP

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By \_\_\_\_\_ /s/  
Melinda S. Riechert  
Kathryn M. Dancisak  
Attorneys for Defendant and Counter Claimant  
LOCKHEED MARTIN CORPORATION

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Dated: July 23, 2010

PATTEN, WORNOM, HATTEN &  
DIAMONSTEIN, L.C.

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By \_\_\_\_\_ /s/  
James H. Shoemaker, Jr.  
Attorneys for Plaintiff  
RONALD M. NAKAMOTO

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**ORDER**

In light of the foregoing STIPULATION of the Parties and good cause appearing, the Court ORDERS the following revised deadline in this case:

Last day for the Parties to participate in a mediation: 10/11/2010

To avoid prejudice to both Parties, GOOD CAUSE exists to modify the deadline in this action as described herein.

Dated: 7/29/10 \_\_\_\_\_

  
\_\_\_\_\_  
Hon. Jeremy Fogel  
United States District Court Judge