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6 Attorneys for Defendants Texas Turkeys, Inc. dba Armadillo Willy's BBQ, John M.
 Filice, Jr., Trustee of the John M. Filice Family Trust UTA dated November 8, 1970,
 7 erroneously sued herein as an individual, and Craig P. Filice

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13 Attorneys for Plaintiff
 VICTOR EVERLOVE

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
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17 VICTOR EVERLOVE,
 18 Plaintiff,

19 vs.

20 TEXAS TURKEYS, INC. dba ARMADILLO
 21 WILLY'S BBQ; JOHN M. FILICE, JR.;
 22 CRAIG P. FILICE; and DOES 1 to 10,
 INCLUSIVE,
 23 Defendants.

Case No. C09-05361 LHK

STIPULATION TO CONTINUE
 MEDIATION AND CASE
 MANAGEMENT CONFERENCE

Mediation: September 16, 2010
 CMC: September 22, 2010

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 25
 26 Plaintiff Victor Everlove, by and through his counsel, Celia McGuinness of the Law
 27 Offices of Paul L. Rein, and Defendants Texas Turkeys, Inc. dba Armadillo Willy's BBQ,
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1 John M. Filice, Jr., Trustee of the John M. Filice Family Trust UTA dated November 8,
2 1970, erroneously sued herein as an individual, and Craig P. Filice, by and through their
3 counsel, James A. Sarrail, of Sarrail, Castillo & Hall, LLP, request that the Mediation,
4 currently scheduled for September 16, 2010, be continued to September 22, 2010 at 2:00
5 p.m., and that the Case Management Conference, currently scheduled for September 22,
6 2010 at 2:00 p.m., be continued to October 20, 2010, for the following reasons:

7 Counsel for the parties conducted an extensive pre-mediation meeting at the site
8 on September 13, 2010, which brought the parties close to agreement on injunctive relief,
9 and Defendants need time to determine the costs of proposed injunctive and to provide
10 Plaintiff with further information regarding the proposed settlement in this regard. The
11 parties believe that continuance of the Mediation from September 16th to September 22nd
12 will thereby facilitate a cost effective settlement. The currently scheduled date for the Case
13 Management Conference, September 22nd, is already available to all parties, and mediator
14 Robin Siefkin has agreed, pending the Court's approval, to conduct the Mediation from
15 2 p.m. to 5 p.m. on September 22nd.

16 The October 20, 2010, Case Management Conference date is requested on the
17 ground that Defendants' counsel, James A. Sarrail, is starting a three week long trial on
18 September 27, 2010, and also has a pre-paid vacation starting October 21, 2010.
19 Plaintiff's counsel is agreeable to this date, and requests that the CMC not be continued
20 past October 20th in order to maintain momentum in this case.

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22 Date: September 15, 2010

Respectfully submitted,

Sarrail, Castillo & Hall, LLP



By James A. Sarrail
Attorneys for Defendants Texas Turkeys, Inc.
dba Armadillo Willy's BBQ, John M. Filice, Jr.,
Trustee of the John M. Filice Family Trust UTA
dated November 8, 1970, erroneously sued
herein as an individual, and Craig P. Filice

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1 Date: September 15, 2010

Law Offices of Paul L. Rein

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3 /s/ Celia McGuinness
4 By Celia McGuinness
5 Attorneys for Plaintiff Victor Everlove
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Filice, Jr., Trustee of the John M. Filice Family Trust UTA dated November 8, 1970,
7 erroneously sued herein as an individual, and Craig P. Filice

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12 Attorneys for Plaintiff
13 VICTOR EVERLOVE

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15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA

17 VICTOR EVERLOVE,
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19 Plaintiff,
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21 vs.

21 TEXAS TURKEYS, INC. dba ARMADILLO
WILLY'S BBQ; JOHN M. FILICE, JR.;
22 CRAIG P. FILICE; and DOES 1 to 10,
23 INCLUSIVE,
24
25 Defendants.

Case No. C09-05361 LHK

~~PROPOSED~~ ORDER TO CONTINUE
MEDIATION AND CASE
MANAGEMENT CONFERENCE

26 Pursuant to the stipulation by Victor Everlove, by and through his counsel, Celia
27 McGuinness of the Law Offices of Paul L. Rein, and Defendants Texas Turkeys, Inc. dba
28

1 Armadillo Willy's BBQ, John M. Filice, Jr., Trustee of the John M. Filice Family Trust UTA
2 dated November 8, 1970, erroneously sued herein as an individual, and Craig P. Filice,
3 by and through their counsel, James A. Sarraill, of Sarraill, Castillo & Hall, LLP, requesting
4 that the Mediation, currently scheduled for September 16, 2010, be continued to
5 September 22, 2010 at 2:00 p.m., and that the Case Management Conference, currently
6 scheduled for September 22, 2010 at 2:00 p.m., be continued to October 20, 2010, the
7 Court makes the following order:

8 The Mediation, currently scheduled for September 16, 2010, is continued to
9 September 22, 2010 at 2:00 p.m.; the Case Management Conference, currently scheduled
10 for September 22, 2010 at 2:00 p.m., is continued to October 20, 2010 at 2:00 p.m.

11 The deadline for filing a Joint Case Management Conference Statement is October 13,
12 2010. If the case settles, the parties shall file a stipulation of dismissal by October 13, 2010.

13 **IT IS SO ORDERED.**

14 Date: September 15, 2010

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17 LUCY H. KOH
18 United States District Judge
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