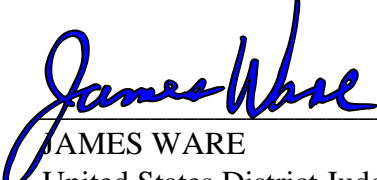


1 Presently before the Court is the parties' Stipulation to Modify the Court's April 8, 2010
2 Scheduling Order. (Docket Item No. 23.) The parties request to modify the Case Schedule on the
3 ground that current counsel of record for Plaintiff, Mr. Bourke, will be substituted by new counsel,
4 Mr. Patrick J. Manshardt. (Id.) However, the parties represent that Mr. Manshardt is currently
5 "suspended from practicing law in the state of California and in this district" and that he should be
6 "reinstate[d] to practice in the near future." (Id.) The Court finds that it cannot modify the Case
7 Schedule based on these representations. First, substitution of counsel has not yet occurred. Second,
8 new proposed counsel has been suspended by the state bar to practice law in California and his
9 reinstatement to the bar does not appear to be sufficiently concrete, namely, "in the near future."
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12 Accordingly, the Court DENIES the Stipulation and the parties shall adhere to the April 8,
13 2010 Scheduling Order.

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15 Dated: November 2, 2010

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17 JAMES WARE
18 United States District Judge
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