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10 **UNITED STATES DISTRICT COURT**  
 11 **NORTHERN DISTRICT OF CALIFORNIA**  
 12 **SAN JOSE BRANCH**

13 DAVID KOLKER,  
 14 Plaintiff,

Case No. 10-00900-JF-PVT

15 vs.

16 VNUS MEDICAL  
 17 TECHNOLOGIES, INC.,  
 18 COVIDIEN and DOES 1-20

19 STIPULATION AND ~~PROPOSED~~ ORDER  
 20 CONTINUING CASE MANAGEMENT  
 21 CONFERENCE AND PARTIES'  
 22 OBLIGATIONS TO COMPLETE INITIAL  
 23 DISCLOSURES AND CASE  
 24 MANAGEMENT STATEMENT  
 25 AS MODIFIED BY THE COURT

26 Defendants.  
 27

28 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff David  
 Kolker and his attorneys of record ("Plaintiff"), and Defendants VINUS Medical  
 Technologies, Inc., and Covidien, Inc., and their attorneys of record ("Defendants"), that the  
 following Stipulation may be entered as an Order by the Court to give effect to the  
 stipulations as set forth below:

WHEREAS, the parties' Initial Disclosures and Joint Case Management Statement  
 are currently due on June 11, 2010;

WHEREAS, the initial Case Management Conference in this case is currently  
 scheduled for June 18, 2010;

WHEREAS, Plaintiff has filed a Motion to Remand this case to the Superior Court,  
 which is scheduled to be heard on July 30, 2010 in this Court;

1 WHEREAS, the Parties agree that in the in the interests of conserving resources of  
2 the Parties and the Court, the Parties respectfully request the Court to order (a) a  
3 continuance of the Case Management Conference, and (b) the Parties' corresponding  
4 obligations to complete initial disclosures and the joint Case Management Statement until  
5 after the Court's determination of Plaintiff's motion to remand, which is scheduled to be  
6 heard on July 30, 2010.

7 NOW THEREFORE, the Parties, through their respective counsel of record AGREE  
8 AND HEREBY STIPULATE to (a) continue the Parties' obligations to complete the initial  
9 disclosures and the joint case management statement from June 11, 2010 to a new date that  
10 occurs at least fourteen (14) days following the date of this Court's ruling on the Motion to  
11 Remand, if the Court denies such motion, and (b) continue the case management conference  
12 from June 18, 2010 to a new date that follows the new date set (pursuant to this stipulation)  
13 for the Parties to complete their initial disclosures and the joint Case Management  
14 Statement.

15 The Initial Case Management Conference is CONTINUED to September 24, 2010.

16 Dated: June 11, 2010

SAMUELSON, WILSON & ROE


17  
18 By: /s/ Charles R. Roe  
19 CHARLES R. ROE  
20 Attorneys for Plaintiff, DAVID  
21 KOLKER

22 Dated: June 11, 2010

23 By: /s/ Michael J. Nader  
24 MICHAEL J. NADER,  
25 OGLETREE DEAKINS  
26 Attorney for Defendants, VNUS MEDICAL  
27 TECHNOLOGIES, INC. and COVIDIEN  
28 INC.

25 It is so ordered.

27 Dated: 6/15/2010

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JUDGE OF THE U.S. DISTRICT COURT