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12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN JOSE DIVISION

16 ELMO SHROPSHIRE, d/b/a ELMO
 PUBLISHINGI,

17 Plaintiff,

18 v.

19 AUBREY CANNING, Jr.,
 20 Defendant.

CASE NO. 5:10-cv-01941 LHK

**STIPULATION AND [~~PROPOSED~~]
 ORDER EXTENDING MEDIATION
 DEADLINE & DISCOVERY DEADLINE**

As Amended

21 Plaintiff Elmo Shropshire (“Plaintiff”), and Defendant Aubrey Canning, Jr. (“Defendant”)
 22 (collectively, the “Parties”), through their respective attorneys of record, hereby STIPULATE
 23 AND AGREE as follows:

24 WHEREAS on August 25, 2011 the Court entered the Case Management and Minute
 25 Order (Dkt. No. 87, the “CMC Order”), ordering the parties to schedule private mediation no later
 26 than November 23, 2011, and setting the deadline for fact discovery on December 30, 2011, the
 27 deadline for filing of dispositive motions on January 19, 2012, the deadline for hearing on
 28

1 dispositive motions by March 1, 2012 (Thursday at 1:30 P.M.), the Pretrial Conference on April
2 11, 2012, and the bench trial to begin on May 7, 2012;

3 WHEREAS, the Parties have met and conferred and attempted in good faith to comply
4 with CMC Order's mediation deadline and other deadlines;

5 WHEREAS, due to Parties' respective work obligations and Defendant's employment in
6 construction carpentry located near the remote town of Kapuskasing, Ontario, Canada, Plaintiff
7 and Defendant have been unable to schedule a mutually agreeable date for mediation prior to
8 November 23, 2011;

9 WHEREAS, Mr. Richard Collier has been assigned to mediate this dispute (Dkt. No. 96),
10 and Mr. Collier and the Parties have an initial telephone conference scheduled for November 10,
11 2011;

12 WHEREAS, the parties and Mr. Collier are each available for mediation on both January
13 19 and 20, 2012;

14 WHEREAS, if the mediation is unsuccessful, the Parties have agreed to depose Defendant
15 after the mediation while he is still in the United States, should the Court agree to extend the
16 discovery deadline to January 27, 2012, and the deadline to file dispositive motions to February
17 13, 2012, thus permitting the Parties to fully conduct discovery;

18 THEREFORE, the Parties respectfully request that in the interest of judicial economy,
19 pursuant to ADR Local Rule 6-5 and Civil Local Rules 7-1(a)(5) and 7-12, the Court continue the
20 mediation deadline and extend other deadlines in the CMC Order as follows:

- 21 1. The deadline for mediation as set forth under the ADR rules may be continued by
22 57 days from the current date of November 23, 2011 to January 20, 2012;
- 23 2. The close of fact discovery may be extended by 28 days from the current date of
24 December 30, 2011 to January 27, 2012;
- 25 3. The deadline to file dispositive motions may be extended by 21 days from the
26 current date of January 19, 2012 to ~~February 13, 2012~~; February 10, 2012;
- 27 4. The final date for hearing dispositive motions may be extended 14 days from the
28 current date of March 1, 2012 to ~~March 17, 2012~~; March 15, 2012;

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- 5. The pretrial conference date remains set on April 11, 2012;
- 6. The bench trial date remains set on May 7, 2012.

IT IS SO STIPULATED.

Dated: November 7, 2011

DLA PIPER LLP (US)

By /s/ Diana M. Hall
 DIANA M. HALL
 Attorneys for Plaintiff
 ELMO SHROPSHIRE

Dated: November 7, 2011

THE LANIER LAW FIRM, P.C.

By /s/ Nicholas S. Mancuso
 NICHOLAS S. MANCUSO
 Attorneys for Defendant
 AUBREY CANNING, JR.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 14, 2011

Lucy H. Koh
 HONORABLE LUCY H. KOH
 UNITED STATES DISTRICT COURT JUDGE