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Attorney for Plaintiff, **JEFFREY D. ROUGHGARDEN**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY D. ROUGHGARDEN,
an individual,

Case No. CV 10-04098 PVT

Plaintiff,

**STIPULATION AND ~~{PROPOSED}~~--ORDER
RE CONTINUANCE OF MEDIATION DATE**

vs.

Mediation Date: February 3, 2011
Judge: Jeremy Fogel

YottaMark, INC., a
California corporation,
ADP Total Source, a Delaware
Corporation,
Defendants,

_____ /


The parties hereto, Plaintiff Jeffrey D. Roughgarden,
Defendants YottaMark, Inc., and ADP Total Source, Inc., by and
through their respective counsel, R. King Prothro, Jr.,
representing Jeffrey D. Roughgarden, Madonna Herman, representing
YottaMark, Inc., and Cortney McDevitt representing ADP Total
Source, Inc., after a telephone conference call with the
appointed Mediator, John Koeppel, on December 1, 2010, do hereby
stipulate and agree to continue the Mediation date in the above-
referenced case currently scheduled for February 3, 2011, to
March 17, 2011, in light of the pending Rule 12(b)(6) Motions by
Stipulation and Order Continuing Mediation Date

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both Defendants scheduled to be heard on February 4, 2011, and request the Court's indulgence and consent in continuing the currently scheduled Mediation Deadline Date.

Respectfully submitted,

DATED: December 14, 2010



R. KING BROTHRO, JR.
Attorney for Plaintiff,
JEFFREY D. ROUGHGARDEN

DATED: December 14, 2010

/s/
MADONNA ANN HERMAN, Esq.
Manning & Marder, et al.
Attorneys for Defendant,
YOTTAMARK, INC.

DATED: December 14, 2010

/s/
CORTNEY LYNN McDEVITT, Esq.
Jackson Lewis, LLP
Attorneys for Defendant,
ADP TOTAL SOURCE, INC.

ORDER

It is so Ordered. The Mediation deadline date in the above-referenced case will be continued until on or before March 18, 2011.

Dated: 1/13/11



Jeremy Fogel, Judge of the
United States District Court
for the Northern District of
California

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above-referenced case currently scheduled for February 3, 2011,
to March 17, 2011, in light of the pending Rule 12(b)(6) Motions
by both Defendants scheduled to be heard on February 4, 2011,
and request the Court's indulgence and consent in continuing the
currently scheduled Mediation Deadline Date.

Respectfully submitted,

DATED: December , 2010
R. KING PROTHRO, JR.


Attorney for Plaintiff,
JEFFREY D. ROUGHGARDEN

DATED: December 11, 2010



MADONNA ANN HERMAN, Esq.
Manning & Marder, et el.
Attorneys for Defendant,
YOTTAMARK, INC.

DATED: December 14, 2010



CORTNEY LYNN McDEVITT, Esq.
Jackson Lewis, LLP
Attorneys for Defendant,
ADP TOTAL SOURCE, INC.

ORDER

It is so Ordered. The Mediation deadline date in the
above-referenced case will be continued until on or before
March 18, 2011.

United States District Court
for the Northern District of
California

Jeremy Fogel, Judge of the

Stipulation and Order Continuing Mediation Date