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9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN JOSE DIVISION**

13 RIDLEY RUTH, JR.,
 14 Plaintiff,
 15 v.
 16 SUBMITNET, INC.,
 Defendant.

Case No. C 12-01180-PSG

ASSIGNED FOR ALL PURPOSES TO THE
 HON. PAUL S. GREWAL

**STIPULATION AND [~~PROPOSED~~] ORDER
 TO CONTINUE TRIAL AND TRIAL-
 RELATED DATES**

Complaint Filed: January 27, 2012
 (originally filed in Santa Clara Superior Court)
 Final Pre-trial Conf.: March 26, 2013
 Trial Date: April 1, 2012

19 SUBMITNET, INC.,
 20 Cross-Complainant,
 21 v.
 22 RIDLEY RUTH, JR.,
 23 Cross-Defendant.

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD AND TO THE
2 HONORABLE COURT:

3 On or about January 27, 2012, Plaintiff and Cross-Defendant Ridley Ruth, Jr. ("Ruth")
4 filed a complaint against Defendant and Cross-Complainant SubmitNet, Inc. ("SubmitNet") in
5 Superior Court of California, County of Santa Clara;

6 On or about March 8, 2012, SubmitNet filed a cross-complaint against Ruth in Superior
7 Court of California, County of Santa Clara;

8 On or about March 8, 2012, SubmitNet removed the case to the United States District
9 Court, Northern District of California, San Jose Division, on the basis of diversity jurisdiction;

10 The parties agreed to participate in the Court's Alternative Dispute Resolution ("ADR")
11 program and, on June 1, 2012, were ordered by the Court to complete mediation no later than 90
12 days from the date of the order, and were assigned to panel mediator Victor Schachter;

13 On August 10, 2012, the Court issued a Case Management Order, setting the following
14 trial and trial-related dates:

- 15 1. Deadline(s) for Serving Expert Reports: November 30, 2012;
- 16 2. Deadline(s) for Serving Expert Rebuttal Reports: December 13, 2012;
- 17 3. Fact Discovery Cutoff: December 31, 2012;
- 18 4. Expert Discovery Cutoff: January 30, 2013;
- 19 5. Final Pretrial Conference: 2:00 p.m. on March 26, 2013;
- 20 6. Trial: 9:30 a.m. on April 1, 2013;

21 On September 5, 2012, the parties submitted a Stipulation Extending Time To Complete
22 Mediation And To Extend The Date Of The Case Management Conference to permit the parties
23 additional time to exchange documents, including electronic discovery, conduct written discovery
24 and depositions before mediation to ensure that mediation would be more productive after
25 documents have been exchanged and Plaintiff had been deposed;

26 On September 6, 2012, the above-entitled Court extended the deadline for completion of
27 ADR to December 14, 2012 and rescheduled a Case Management Conference for December 18,
28 2012;

1 On September 6, 2012, the appointment of Victor Schachter to serve as the mediator in
2 this matter was vacated. The parties waited for the ADR Unit to appoint another mediator to this
3 matter;

4 On October 22, 2012, the ADR Unit assigned this case to Hon. Ellen S. James (Ret.);

5 The parties will engage in a pre-session telephone conference with Judge James on
6 November 12, 2012 to discuss the matter and obtain a mediation date;

7 The parties have made progress through discovery; however, production of electronically-
8 stored information (“ESI”) by Ruth took longer than anticipated. Ruth has now produced such
9 ESI. Given these developments, SubmitNet postponed Ruth’s deposition until it received the ESI
10 from Ruth from his personal laptop computer, which pertained to his work for SubmitNet;

11 The parties wish to avoid expenditure of attorneys’ fees and use of the Court’s resources
12 before mediation of the matter, and refrain from taking any depositions or serving any additional
13 written discovery until after mediation;

14 In the event the parties do not reach a settlement at mediation, the parties need additional
15 time to conduct the postponed discovery in this matter, including but not limited to taking
16 depositions, and, as a result, are not prepared to commence pre-trial preparations, such as
17 identifying and obtaining expert witness reports; and

18 The parties have not previously requested a continuance of the trial date or related pre-
19 trial dates ordered by the Court.

20 **IT IS HEREBY STIPULATED**, and the Court is hereby respectfully requested to Order as
21 follows:

- 22 1. The Deadline(s) for Serving Expert Reports be continued from November 30,
23 2012 to May 15, 2013;
- 24 2. Deadline(s) for Serving Expert Rebuttal Reports be continued from December 13,
25 2012 to May 31, 2013;
- 26 3. Fact Discovery Cutoff be continued from December 31, 2012 to April 30, 2013;
- 27 4. Expert Discovery Cutoff be continued from January 30, 2013 to July 1, 2013;

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5. Final Pretrial Conference be continued from 2:00 p.m. on March 26, 2013 to August 13, 2013;

6. Trial date be continued from 9:30 a.m. on April 1, 2013 to September 16, 2013;

IT IS SO STIPULATED.

DATED: November 7, 2012

PERKINS COIE LLP

By: /S/ JENICA D. MARIANI
Jenica D. Mariani

Attorneys for Defendant and Cross-Complainant SubmitNet, Inc.

DATED: November 7, 2012

WYLIE, MCBRIDE, PLATTEN & RENNER

By: /S/ - E-signature approved by J. McBride
John McBride

Attorneys for Plaintiff and Cross-Defendant
Ridley Ruth

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ORDER

Pursuant to the parties' Stipulation To Continue Trial And Trial-Related Dates and good cause appearing therefor, the Court hereby ORDERS as follows:

1. That the trial date in the above-captioned matter previously set for 9:30 a.m. on April 1, 2013 be continued to September 23, 2013 in Courtroom 5 at 9:30 a.m.;
2. That the deadline(s) for Serving Expert Reports previously set for November 30, 2012 be continued to May 15, 2013;
3. That the deadline(s) for Serving Expert Rebuttal Reports previously set for December 13, 2012 be continued to May 31, 2013;
4. That the Fact Discovery Cutoff previously set for be December 31, 2012 be continued to April 30, 2013;
5. That the Expert Discovery Cutoff previously set for January 30, 2013 be continued to July 1, 2013;
6. That the Final Pretrial Conference previously set for 2:00 p.m. on March 26, 2013 be continued to August 13, 2013 in Courtroom 5 at 2:00 p.m.

IT IS SO ORDERED.

Dated: November 8, 2012


 HONORABLE PAUL SINGH GREWAL
 United States Magistrate District Judge