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10 LIBERTY MUTUAL INSURANCE COMPANY (erroneously
11 sued as LIBERTY MUTUAL INSURANCE)

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA

14 KENNETH WAYNE JOHNSON,
15 Plaintiff,
16 v.
17 LIBERTY MUTUAL INSURANCE,
18 Defendant.

Case No: 5:12-cv-01851-LHK

**STIPULATION EXTENDING THE
PARTIES' DEADLINE TO MEDIATE
THIS ACTION UNDER THE ADR
PROGRAM AND ~~PROPOSED~~
ORDER**

19 It is hereby stipulated by and between plaintiff KENNETH JOHNSON and
20 defendant LIBERTY MUTUAL INSURANCE COMPANY (erroneously sued as
21 LIBERTY MUTUAL INSURANCE) ("Liberty"), through Liberty's attorneys of
22 record and Mr. Johnson as a *pro se* plaintiff, that the parties shall petition this Court
23 to extend the deadline to mediate this case to 60 days after the court issues its ruling
24 on Liberty's pending motion to dismiss Plaintiff's Second Amended Complaint.
25 Good cause exists to grant this request as the parties believe it will not be fruitful to
26 engage in mediation prior to the resolution of the motion to dismiss and the
27 finalization of Plaintiff's pleading in this action. Extension of this deadline will
28 affect no other deadlines in this action.

On July 3, 2012, this Court granted the parties' request to enter into the

1 Alternative Dispute Resolution (“ADR”) mediation program sponsored by the
2 Northern District of California. That program requires that mediation occur within
3 90 days of issuance of the Court’s order, or no later than October 2, 2012.

4 On August 14, 2012, the parties participated in a conference call with
5 Howard Herman, director of the Northern District’s ADR program. In that
6 conference call, the parties agreed to postpone mediation until Liberty was able to
7 have heard its planned motion to dismiss Plaintiff’s Second Amended Complaint.

8 Liberty timely filed its motion to dismiss on August 20, 2012. The Court
9 assigned a hearing date of December 6, 2012. On September 17, 2012, the Court
10 continued the December 6 hearing to January 24, 2013.

11 On October 12, 2012, Mr. Herman of the ADR program sent an email to
12 counsel for Liberty, asking if the parties would stipulate to an extension of the
13 mediation deadline given the delay in hearing the motion to dismiss.

14 Given the length of time before the motion to dismiss can be heard, the
15 parties stipulate and agree to ask this Court to extend the deadline to mediate this
16 case within the Court’s ADR program to 60 days after the Court issues its ruling on
17 Liberty’s motion to dismiss Plaintiff’s Second Amended Complaint.

18 **IT IS SO STIPULATED.**

19 The filer of this document attests that concurrence in this filing has been
20 obtained from all signatories.

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1 Dated: October 22, 2012

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By: /s/ Kenneth Johnson

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KENNETH JOHNSON

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5 Dated October 22 , 2012

ROPERS, MAJESKI, KOHN &
BENTLEY

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By: /s/ Stacy M. Tucker

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PAMELA E. COGAN

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STACY M. TUCKER

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Attorneys for Defendant, LIBERTY
MUTUAL INSURANCE
COMPANY

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~~PROPOSED~~ ORDER

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Good cause appearing, this Court hereby grants the parties request to extend the deadline to mediate this action. The parties shall participate in mediation no later than 60 days after this Court issues its ruling on the defendant's pending motion to dismiss Plaintiff's Second Amended Complaint, currently set for hearing on January 24, 2013.

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IT IS SO ORDERED.

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Dated: October 24, 2012

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By: Lucy H. Koh

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The Honorable Lucy H. Koh

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