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5 *Attorney for Plaintiff*

6  
 7 IN THE UNITED STATES DISTRICT COURT  
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 9 SAN JOSE DIVISION

10 CHRIS WERDEBAUGH, individually  
 11 and on behalf of all others similarly  
 12 situated,

13 Plaintiff,

14 v.

15 BLUE DIAMOND GROWERS,

16 Defendant.

Case No. 5:12-cv-02724-LHK

**STIPULATION AND ~~PROPOSED~~ ORDER  
 REGARDING BRIEFING SCHEDULE ON  
 DEFENDANT'S MOTION TO DISMISS  
 PLAINTIFF'S AMENDED COMPLAINT  
 AND SCHEDULED MEDIATION  
 DEADLINE**

Judge: Hon. Lucy H. Koh

Hearing Date: October 3, 2013

Mediation Deadline: July 12, 2013

18  
 19 Pursuant to the Court's scheduling Order of June 24, 2013 (Dkt. 45), the parties, through  
 20 their undersigned counsel, hereby stipulate and agree as follows:

21 WHEREAS, on June 24, 2013, Defendant filed a Motion to Dismiss First Amended  
 22 Complaint (Dkt. 46) (the "Motion");

23 WHEREAS, pursuant to Local Rule 7-3, Plaintiff's deadline to respond to the Motion is  
 24 July 8, 2013;

25 WHEREAS, Plaintiff requires more time to prepare his response to the Motion;

26 WHEREAS, the parties have a pending mediation deadline of July 12, 2013, and believe  
 27 that mediation will be more productive after the Court's ruling on Defendant's Motion;

28 The parties hereby STIPULATE that Plaintiff's Response to Defendant's Motion to

1 Dismiss shall be due on July 22, 2013, and Defendant's Reply shall be due on August 23, 2013,  
2 and the Hearing date remains unchanged and set for October 3, 2013 at 1:30 PM.

3 The parties further STIPULATE that the mediation deadline be re-scheduled to 60 days  
4 after the Court files its order on Defendant's Motion to Dismiss Plaintiff's Amended Complaint.

5 IT IS SO STIPULATED.

7 Dated: July 1, 2013

8 /s/ Pierce Gore

9 Pierce Gore

10 Attorney for Plaintiff  
11 Chris Werdebaugh

Dated: July 1, 2013

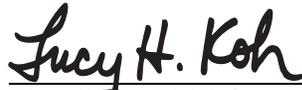
8 /s/ Megan Oliver Thompson

9 Megan Oliver Thompson  
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16 Attorney for Defendant  
17 Blue Diamond Growers

18 **ORDER**

19 **IT IS SO ORDERED**, this the 23rd day of July, 2013.

20 

21 Hon. Lucy H. Koh  
22 United States District Judge  
23 Northern District of California.

24 **ATTESTATION**

25 In compliance with Local Rule 5-1 (i)(3), the filer of this document hereby attests that the  
26 concurrence to the filing of this document has been obtained from the other signatories thereto.

27 /s/ Pierce Gore  
28 BEN F. PIERCE GORE