

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

PATRICK HANSEN,

Plaintiff,

v.

CENTIMARK CORPORATION,

Defendant.

Case No. C-08-2611-SI

**PROPOSED ORDER TO
STAY PROCEEDINGS**

Pursuant to the parties stipulation, **IT IS ORDERED:**

1. That these proceedings be stayed pending the Pennsylvania court's resolution of Patrick Hansen's ("Hansen") motion to dismiss or, alternatively, to transfer the suit filed in the U.S. District Court, Western District of Pennsylvania (08CV00593) (the "Pennsylvania Suit");
2. That this stay applies to all proceedings in the above-captioned suit, including: (a) CentiMark's pending motion to dismiss, (b) the November 14, 2008 case management conference, (c) all obligations imposed upon the parties pursuant to Rule 26 of the Federal Rules of Civil Procedure, and (d) the parties' joint case management statement;
3. That either party may petition this Court for removal of this stay pursuant to local Rule 7-11 (motion for administrative relief) prior to the Pennsylvania court's resolution of Hansen's motion if the party believes that their best interests require removal of the stay; and
4. That this stay will be automatically removed (without further action by either party or the Court) upon the Pennsylvania court's resolution of Hansen's motion.

The pending motion to dismiss is withdrawn. to refile
Upon removal of the stay, counsel for CentiMark shall have seven (7) business days so as

~~to advise counsel for Hansen as to CentiMark's intent to pursue~~ its motion to dismiss currently pending before this Court. If CentiMark opts to continue its pursuit of that motion, Hansen shall have ten (10) business days from the date on which his counsel is so advised to respond to that motion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

Finally, this stipulation does not impact either party's arguments with respect to the propriety of dismissing or transferring the above-captioned suit.

Dated this ____ day of _____, 2008

BY THE COURT:


Hon. Susan Illston
United States District Court Judge