

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

VICTOR S. MARTINI,

Plaintiff,

vs.

**PRESQUE ISLE CAPITAL MANAGEMENT,
INC. and JAMES H. THOMAS,**

Defendants.

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No. 04-354E

**Hon. Maurice B. Cohill, Jr.
Magistrate Judge Susan
Paradise Baxter**

STIPULATION AND PROPOSED ORDER

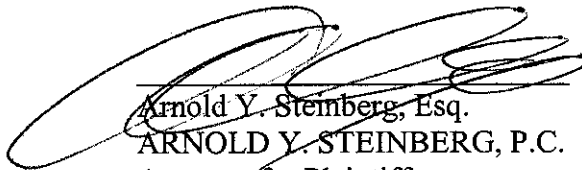
NOW COMES the Parties, though undersigned counsel, who stipulate and agree that:

1. The Parties have elected to pursue mediation through a court-appointed mediator.
2. The Parties desire to hold this matter in abeyance until such time that mediation is complete. Within fourteen days of completion of said mediation, the Parties will provide a status-update to the Court.
3. Although the Parties wish to hold this matter in abeyance, they do, however, respectfully request a ruling on Defendants' objections to the Magistrate Judge's Second Report and Recommendation.

Dated: February __, 2006



Robert L. Herskovits, Esq.
BACHNER & HERSKOVITS, P.C.
Attorney for Defendants*
26 Broadway, Suite 2310
New York, NY 10004
(212) 344-7778
(212) 344-7774 – fax
rh@bhlawfirm.com – email



Arnold Y. Steinberg, Esq.
ARNOLD Y. STEINBERG, P.C.
Attorney for Plaintiff
1420 Center Avenue, # 1504
Pittsburgh, PA 15219
(412) 434-1190
(412) 434-1195
a5300@aol.com – email

*Subject to *pro hac vice*
admission

SO ORDERED:

Magistrate Judge Susan Paradise Baxter

Dated: February __, 2006