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10 **UNITED STATES DISTRICT COURT FOR THE**
EASTERN DISTRICT OF CALIFORNIA
11 **FRESNO DIVISION**

12 EDVARD ESHAGH, on behalf of himself)
and all others similarly situated,)

13 Plaintiff,)

14 vs.)

15 THE TERMINIX INTERNATIONAL)
COMPANY LIMITED PARTNERSHIP, a)
16 limited partnership; TERMINIX)
INTERNATIONAL, INC., a corporation;)

17 Defendants.)
18

Case No. 1:11-cv-00222-OWW-DLB

[ASSIGNED TO: Hon. Oliver W. Wanger]

STIPULATION AND ORDER TO
CONTINUE HEARING AND BRIEFING
SCHEDULE ON DEFENDANT'S
MOTION TO DISMISS (DKT. NO. 11)

Complaint Filed: February 8, 2011

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20 WHEREAS, Defendants THE TERMINIX INTERNATIONAL COMPANY LIMITED
21 PARTNERSHIP, a limited partnership; TERMINIX INTERNATIONAL, INC., a corporation
22 (herein, "Defendants") filed a motion to dismiss this action pursuant to Fed. R. Civ. Proc.
23 12(b)(6) on April 7, 2011; and

24 WHEREAS, the hearing on Defendants' motion is currently scheduled for May 23, 2011;

25 WHEREAS, the deadline for Plaintiff EDVARD ESHAGH (herein, "Plaintiff") to file a
26 responsive pleading is currently May 9, 2011; and

1 WHEREAS, Plaintiff's counsel has an unavoidable conflict in a previously scheduled
2 matter on May 23, 2011; and

3 WHEREAS, the parties have met and conferred and agree that the hearing on Defendant's
4 motion should be continued until July 11, 2011; and

5 WHEREAS, the parties agree that the briefing scheduling should also be continued
6 according to the rescheduled hearing date;

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9 IT IS HEREBY STIPULATED AND AGREED, PURSUANT TO LOCAL
10 RULE 143, that the Motion Hearing set for May 23, 2011, be continued to July 11, 2011, or
11 another convenient date for the Court; and

12 IT IS FURTHER STIPULATED AND AGREED that the parties will also continue the
13 briefing schedule for Plaintiff's response and Defendant's reply to correspond to the continued
14 date of the hearing and pursuant to Local Rule 230.

15
16 Dated: May 10, 2011

HOFFMAN & LAZEAR

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19 By: /s/ Chad A. Saunders

20 Chad A. Saunders
21 Attorneys for Plaintiff

22 Dated: May 10, 2011

HINSHAW & CULBERTSON LLP

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25 By: /s/ Christopher J. Borders

26 Christopher J. Borders
27 Attorneys for Defendants

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Order

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS SO ORDERED.

Dated: May 11, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE