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16 **UNITED STATES DISTRICT COURT FOR THE**  
17 **EASTERN DISTRICT OF CALIFORNIA**  
**FRESNO DIVISION**

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

19 Plaintiff,

20 vs.

21 THE TERMINIX INTERNATIONAL COMPANY  
22 LIMITED PARTNERSHIP, a limited partnership;  
TERMINIX INTERNATIONAL, INC., a  
23 corporation;

24 Defendants.  
\_\_\_\_\_

) Case No: 1:11-CV-00222-AWI-  
) DLB

)  
) **JOINT STIPULATION &**  
) **ORDER TO CONTINUE**  
) **DECEMBER 5, 2011**  
) **HEARING ON PENDING**  
) **MOTIONS**

) Date: March 5, 2012

) Time: 1:30 PM

) Ctrm.:

) Complaint filed: February 8, 2011

1  
2 IT IS HEREBY AGREED AND STIPULATED by and between the parties to this  
3 litigation, by and through their respective counsel, and pursuant to Local Rules 143 and 230(f),  
4 as follows:

5 1. The following attorneys in this case also represent the following parties in an Alabama  
6 arbitration styled *The New Rising Star Baptist Church* (herein “NRSBC”) v. *The Terminix Int’l.*  
7 *Co. L.P., et al.* (herein collectively “Terminix”), Augusta Dowd, Arbitrator:<sup>1</sup>

8 A. Thomas F. Campbell (lead attorney in *NRSBC* and this case) and D. Keiron  
9 McGowin represent *NRSBC*; and  
10

11 B. David Creagh (lead attorney in *NRSBC* and this case) and David Richards  
12 represent Terminix.

13 2. Since April 2011, *NRSBC* has been set for an arbitration hearing in Birmingham,  
14 Alabama for December 5 - 7, 2011.

15 3. After Judge Wanger was removed from this case due to retirement, this Court recently re-  
16 set the hearing on Terminix’s pending motions to dismiss, to compel arbitration, and related  
17 motions for a December 5, 2011 hearing.  
18

19 4. The parties have discussed this conflict, discussed the issue with clients, and compared  
20 their calendars to find a date to hear Terminix’s motions which is convenient to both parties  
21 considering their lawyers’ upcoming trial schedules. D. Keiron McGowin recently spoke with  
22 this Court’s office and was told that any non-holiday Monday at 1:30 p.m. was an acceptable  
23 date.  
24  
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26 <sup>1</sup> Augusta Dowd is an attorney with the firm of White Arnold & Dowd P.C., 2025 3rd Ave No.  
27 Suite 500, Birmingham , AL 35203-3331. Mrs. Dowd’s e-mail address is:  
28 [dowd@whitearnolddowd.com](mailto:dowd@whitearnolddowd.com). Her telephone number is (205) 323-1888. Her assistant is Anita  
Ellison.

1 5. WHEREFORE, the parties hereby agree to a continuance of the hearing on the pending  
2 motions from December 5, 2011, to March 5, 2012, at 1:30 p.m.

3 **SO STIPULATED.**

4 DATED: November 7, 2011.

**HOFFMAN & LAZEAR**

H. TIM HOFFMAN, SBN 49141  
ARTHUR W. LAZEAR, SBN 83603

**CAMPBELL LAW**

A Professional Corporation  
Thomas F. Campbell (*pro hac vice*)  
D. Keiron McGowin (*pro hac vice*)

10 By: /s/ D. Keiron McGowin  
11 Attorneys for Plaintiff

**HINSHAW & CULBERTSON LLP**

13 CHRISTOPHER J. BORDES SBN 135901  
14 DAVID CREAGH, (ADMITTED *PRO HAC VICE*)

15 By: /s/ David Creagh  
16 Attorneys for Defendants

19 **ORDER**

22 IT IS SO ORDERED.

23 Dated: November 7, 2011

24   
\_\_\_\_\_  
25 CHIEF UNITED STATES DISTRICT JUDGE  
26  
27  
28