

1 H TIM HOFFMAN SBN 049141  
2 ARTHUR W. LAZEAR SBN 083603  
3 **HOFFMAN & LAZEAR**  
4 180 Grand Avenue, Suite 1550  
5 Oakland, CA 94612  
6 Telephone: 510-763-5700

7 THOMAS F. CAMPBELL (*Pro Hac Vice*)  
8 D. KEIRON MCGOWIN (*Pro Hac Vice*)  
9 **CAMPBELL LAW, P.C.**  
10 1 Chase Corporate Drive, Suite 180  
11 Birmingham, AL 35244  
12 Telephone: 205-278-6650

13 Attorneys for Plaintiff

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

19 EDWARD ESHAGH, on behalf of himself )  
20 and all others similarly situated )

21 Plaintiff,

22 vs.

23 THE TERMINIX INTERNATIONAL )  
24 COMPANY L.P., a limited partnership; )  
25 TERMINIX INTERNATIONAL, INC. )

26 Defendants. )

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

) **JOINT STIPULATION &**  
) **ORDER TO CONTINUE**  
) **MARCH 16, 2012 HEARING**  
) **ON MOTION TO STAY**  
) **LITIGATION, COMPEL**  
) **ARBITRATION, AND STRIKE**  
) **CLASS CLAIMS BEFORE**  
) **MAGISTRATE JUDGE**  
) **DENNIS L. BECK**

) Date: March 16, 2012

) Time: 9:00 AM

) Ctrm.: 9

) Complaint filed: February 8, 2011  
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27  
28 IT IS HEREBY AGREED AND STIPULATED by and between the parties to  
this litigation, by and through their respective counsel, and pursuant to Local Rules 143  
and 230(f), as follows:

1 1. The hearing on Terminix's motions to stay litigation, compel arbitration and  
2 strike class claims was previously set for March 5, 2012. On March 2, 2012, the Court  
3 referred the motion to compel arbitration to Magistrate Judge Dennis L. Beck and  
4 vacated the March 5, 2012 hearing date.

5 2. Also on March 2, 2012, the Court made a minute entry in the Court's record  
6 setting the motion to compel arbitration for hearing before Magistrate Judge Dennis L.  
7 Beck on March 16, 2012 at 9:00 a.m. in Courtroom 9.

8 3. Plaintiffs have a conflict with the March 16, 2012 hearing date and discussed their  
9 conflict and availability for alternative hearing dates with counsel for the defense.  
10 Counsel for the defendants indicated they had no objection to continuing the hearing.  
11 Thomas F. Campbell spoke with Judge Beck's assistant who indicated that the motion  
12 could be heard at one of the motion dockets held every Friday at 9:00 a.m. The parties  
13 compared their calendars to find a date for a hearing on Terminix's motions which is  
14 convenient to both parties considering their lawyers' pre-existing obligations, and  
15 discussed the issue with clients.

16 4. WHEREFORE, the parties hereby agree to a continuance of the hearing on the  
17 pending motions before Magistrate Judge Dennis L. Beck from March 16, 2012 to April  
18 13, 2012 at 9:00 a.m. in Courtroom 9.

19  
20 **SO STIPULATED.**

21  
22 DATED: March 13, 2012.

**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*)

27 By: /s/ D. Keiron McGowin  
28 Attorneys for Plaintiff

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**HINSHAW & CULBERTSON LLP**

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

By: /s/ David Creagh  
Attorneys for Defendants

IT IS SO ORDERED.

Dated: March 15, 2012

/s/ Dennis L. Beck  
UNITED STATES MAGISTRATE JUDGE