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8 **UNITED STATES DISTRICT COURT**
9 **EASTERN DISTRICT OF CALIFORNIA**
10 **FRESNO DIVISION**

11	JEAN CARR)	Case No. 1:11-CV-00890-LJO-GSA
12)	
13	Plaintiff)	STIPULATION AND ORDER
14	v.,)	EXTENDING TIME (L.R. 144) AND
15	ASSET ACCEPTANCE, LLC, FULTON,)	CONTINUING HEARING ON MOTION
16	FRIEDMAN, & GULLACE, LLP, a)	(L.R. 230); DECLARATION OF RICK D.
17	New York Limited Liability Partnership;)	BANKS
18	ANN K. MERRILL, a California attorney,)	
	DOES 1 THROUGH 10,)	
)	
	Defendants.)	

19 It is hereby stipulated by the parties through their respective counsel that Defendants’
20 Motion To Strike State Law Claims Pursuant To CCP § 425.16 (“Motion,”) currently scheduled
21 to heard at 8:30 a.m. on August 1, 2011, shall be continued to 8:30 a.m., on August 22, 2011, in
22 Courtroom 4.
23

24 By continuing the hearing on the Motion, the requirement that the Motion be heard not
25 less than twenty-eight (28) days after service and filing of the Motion will then not be in
26 compliance with Rule 230(b). Thus, it is further stipulated that the parties are not waiving their
27 right to have the Motion heard, or to file an Opposition and/or a Reply at a later date. The dates
28

1 to file and serve an Opposition and/or Reply pursuant to Local Rule 230(c) & (d), shall be based
2 on the continued date of August 22, 2011.

3 There have been no prior continuances or extensions obtained as to this particular matter.
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5
6 Dated: July 14, 2011

/s/ Rick D. Banks
Rick D. Banks, Attorney for Plaintiff

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8
9 07/14/2011

10 Dated: _____ 2011

/s/ June D. Cole as authorized on
June D. Coleman, Attorney for Defendants

11
12 **ORDER**

13 Based on the parties' stipulation, this Court:

- 14 1. VACATES the August 1, 2011 hearing on defendants' motion to strike pursuant to
15 California Code of Civil Procedure section 425.16;
16
17 2. ORDERS plaintiff, no later than August 8, 2011, to file opposition papers to the
18 motion to strike; and
19 3. ORDERS defendants, no later than August 15, 2011, to file reply papers for their
20 motion to strike.
21

22 Pursuant to its practice, this Court will consider defendants' motion to strike on the record without
23 a hearing. *See* Local Rule 230(g). As such, this Court sets no hearing on the motion to strike.

24 IT IS SO ORDERED.

25 Dated: July 15, 2011

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE