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11 Attorneys for Defendant

12 The Bank of New York Mellon

13
14 UNITED STATES DISTRICT COURT

15 EASTERN DISTRICT OF CALIFORNIA

16 EMINENCE INVESTORS, L.L.P., an
17 Arkansas Limited Liability Limited Partnership,
18 Individually, and on behalf of all others similarly
situated, Plaintiff, and John Does,

19
20 Plaintiff,

21 vs.

22
23 THE BANK OF NEW YORK MELLON, a New
24 York Banking Corporation and Does 1 to 25,
Inclusive,

25
26 Defendant.

No.: 1:13-cv-02025-AWI-MJS

**STIPULATION RESETTING HEARING
ON DEFENDANT'S MOTION TO STAY;
ORDER**

Hearing Date: November 17, 2014

Hearing Time: 1:30 p.m.

Judge: Hon. Anthony W. Ishii

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3 **Recitals:**

1. On October 8, 2014, Defendant filed a Motion to Stay Proceedings Pending Resolution of Appeal in this Court, which motion is set for hearing on November 17, 2014.

6 2. The parties have not previously sought or received any extensions from the Court
7 regarding the Motion to Stay Proceedings Pending Resolution of Appeal.

8 3. The parties would like time to attempt to resolve this matter through settlement, and
9 to that end, seek the Court's approval as follows.

10 || **Agreement:**

11 **IT IS HEREBY AGREED** by and between the parties that the hearing on Defendant's
12 Motion to Stay Proceedings Pending Resolution of Appeal shall be reset for January 12, 2015, at
13 1:30 p.m. and Plaintiff's deadline to respond to the motion shall run from the new hearing date.

14 DATED: November 6, 2014

15 RUMMONDS BARRON THORNTON, LLP

16 AND

17 THORNTON LAW GROUP, P.C.

By: /s/ Douglas V. Thornton
DOUGLAS V. THORNTON,
Attorneys for Plaintiff
Eminence Investors, L.L.L.P.

21 || DATED: November 6, 2014

22 REED SMITH LLP

AND

24 DIETRICH, GLASRUDE, MALLEK & AUNE

26 By: /s/ Eric A. Schaffer

27 ERIC A. SCHAFFER,

28 Attorneys for Defendant

The Bank of New York Mellon

ORDER

IT IS SO ORDERED.

Dated: November 6, 2014



SENIOR DISTRICT JUDGE