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19 Attorneys for Defendant  
20 The Bank of New York Mellon

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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

Plaintiff,

vs.

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

Defendant.

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

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

Hearing Date: January 12, 2014  
Hearing Time: 1:30 p.m.  
Judge: Hon. Anthony W. Ishii

IT IS HEREBY STIPULATED by and between the parties to this action, through their  
attorneys of record, as follows:

## Recitals:

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

4 2. On November 6, 2014, pursuant to an agreement between the parties, this Court  
5 continued the hearing on the Motion to Stay to January 12, 2015 at 1:30 p.m.

6       3.     Defense counsel, Mr. Schaffer's wife has been scheduled to have back surgery on  
7 January 5, 2014.

8       4.      The parties wish to continue the hearing on the Motion to Stay to accommodate Mr.  
9 Schaffer's wife's surgery, and to that end, seek the Court's approval as follows.

## 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 26, 2015, at  
13 1:30 p.m. and Plaintiff's deadline to respond to the motion shall run from the new hearing date.

DATED: December 4, 2014

## RUMMONDS BARRON THORNTON, LLP

AND

## THORNTON LAW GROUP, P.C.

By: /s/ Douglas V. Thornton

DOUGLAS V. THORNTON,

Attorneys for Plaintiff

Eminence Investors, L.L.L.P.

1 DATED: December 4, 2014  
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REED SMITH LLP

4 AND  
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6 DIETRICH, GLASRUD, MALLEK & AUNE  
7  
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9 By: /s/ Eric A. Schaffer  
10 ERIC A. SCHAFFER,  
11 Attorneys for Defendant  
12 The Bank of New York Mellon  
13

14 **ORDER**

15 IT IS SO ORDERED.  
16

17 Dated: December 4, 2014  
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20 SENIOR DISTRICT JUDGE  
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