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11 Attorneys for Defendant
The Bank of New York Mellon
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13 UNITED STATES DISTRICT COURT
14 EASTERN DISTRICT OF CALIFORNIA
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16 EMINENCE INVESTORS, L.L.P., an
Arkansas Limited Liability Limited Partnership,
17 Individually, and on behalf of all others similarly
situated, Plaintiff, and John Does,
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19 Plaintiff,

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

27 **IT IS HEREBY STIPULATED** by and between the parties to this action, through their
attorneys of record, as follows:
28

1 **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.

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

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16 DATED: December 4, 2014

17
18 RUMMONDS BARRON THORNTON, LLP

19 AND

20 THORNTON LAW GROUP, P.C.

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22 By: /s/ Douglas V. Thornton
23 DOUGLAS V. THORNTON,
24 Attorneys for Plaintiff
25 Eminence Investors, L.L.L.P.
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DATED: December 4, 2014

REED SMITH LLP

AND

DIETRICH, GLASRUD, MALLEK & AUNE

By: /s/ Eric A. Schaffer
ERIC A. SCHAFFER,
Attorneys for Defendant
The Bank of New York Mellon

ORDER

IT IS SO ORDERED.

Dated: December 4, 2014



SENIOR DISTRICT JUDGE