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16 Attorneys for Plaintiff MP Nexlevel of California, Inc.

18 UNITED STATES DISTRICT COURT
19 EASTERN DISTRICT OF CALIFORNIA
20 FRESNO DIVISION

21 MP NEXLEVEL of California, Inc.,) Case No. 1:14-cv-00288-LJO-GSA
22)
23 Plaintiff,)
24)
25 v.)
26)
27 CVIN, LLC dba VAST NETWORKS,)
28 CALAVERAS COMMUNICATIONS)
COMPANY, SEBASTIAN)
ENTERPRISES, INC., VOLCANO)
COMMUNICATIONS COMPANY,)
STAGELINE COMMUNICATIONS,)
INC., THE PONDEROSA TELEPHONE)
COMPANY, SIERRA TEL)
COMMUNICATIONS GROUP,)
VARNET, INC.. CAL-ORE TELEPHONE)

**STIPULATION TO EXTEND TIME
TO FILE RESPONSIVE PLEADING
AND TO RESCHEDULE
SCHEDULING CONFERENCE;
ORDER**

Current Date: June 3, 2014
Proposed New Date: June 23, 2014
Time: 10:00 a.m.
Ctrm.: 10

1 CO., DUCOR TELEPHONE COMPANY,)
2 CONSOLIDATED COMMUNICATIONS)
3 HOLDINGS, INC., THE CORPORATION)
4 FOR EDUCATION NETWORK)
5 INITIATIVES IN CALIFORNIA, and)
6 DOES 1 to 100,)
7 Defendants.)

6 WHEREAS, pursuant to the prior Stipulation and Order, responses to the original
7 Complaint were due on or before April 25, 2014 by all defendants; except Ducor
8 Telephone Company and Consolidated Communications Holdings, Inc.;

9 WHEREAS, Plaintiff filed a First Amended Complaint on April 22, 2014;

10 WHEREAS, Defendants CVIN LLC dba Vast Networks and the Corporation for
11 Education Network Initiatives In California, by and through their attorneys of record, were
12 electronically served with the First Amended Complaint on April 22, 2014;

13 WHEREAS, as counsel had not yet made an appearance for the remainder of the
14 parties, Defendants Calaveras Communications Company, Sebastian Enterprises, Inc.,
15 Volcano Communications Company, Stageline Communications, Inc., The Ponderosa
16 Telephone Company, Sierra Tel Communications Group, Varnet, Inc., Cal-Ore Telephone
17 Co., were served by mail with the First Amended Complaint on April 22, 2014;

18 WHEREAS, counsel for Plaintiff sent a Waiver of the Service of Summons to
19 counsel for Ducor Telephone Company, Inc. and Consolidated Communications Holdings,
20 Inc. on April 25, 2014;

21 WHEREAS, Ducor Telephone Company, Inc. and Consolidated Communications
22 Holdings, Inc., pursuant to the stipulation from counsel, have agreed to respond by
23 May 27, 2014;

24 WHEREAS, Plaintiff and Defendants believe that a coordinated response date for
25 all Defendants is the most logical and efficient way to proceed;

26 WHEREAS, Plaintiff and Defendants agree responses to the First Amended
27 Complaint shall filed and served no later than May 27, 2014;

28

1 WHEREAS, Plaintiff and Defendants agree that the proximity between the May 27,
2 2014 response date and the currently scheduled Scheduling Conference is such that
3 additional time will be required to fully prepare for the Scheduling Conference; and,

4 WHEREAS, subject to the approval of the Court, Plaintiff and Defendants agree to
5 continue the Scheduling Conference to June 23, 2014.

6 As such, ALL PARTIES STIPULATE:

7 1. The date for all defendants to file a responsive pleading to the First Amended
8 Complaint will be May 27, 2014.

9 2. The June 3, 2014 Scheduling Conference is continued to June 23, 2014 at
10 10:00 a.m. in Courtroom 10.

11 IT IS SO STIPULATED:

12 Dated: May 5, 2014

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21 By: //s//

22 Steven M. Cvitanovic
23 Jessica M. Lassere Ryland
24 Attorneys for Plaintiff
25 MP Nexlevel of California, Inc.

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ATTESTATION

I, Steven M. Cvitanovic, do hereby declare pursuant to Rule 131(e) of the Local Rules of Practice for the United States District Court for the Eastern District of California that I obtained concurrence in the filing of the foregoing document from all counsel on this 5th day of May, 2014.

/s/ Steven M. Cvitanovic

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ORDER

Pursuant to the above stipulation of the parties :

1. The date for all defendants to file a responsive pleading to the First Amended Complaint will be May 27, 2014.

2. The June 3, 2014 Scheduling Conference is continued to June 23, 2014 at 10:00 a.m. in Courtroom 10 before the undersigned.

IT IS SO ORDERED.

Dated: May 8, 2014

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE