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Attorneys for Defendants
 8 MORGAN STANLEY SMITH BARNEY LLC,
 CITIGROUP GLOBAL MARKETS INC. f/k/a SMITH BARNEY
 9 CITIGROUP GLOBAL MARKETS HOLDINGS, INC.

10 **UNITED STATES DISTRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**
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<p>13 ERIC B. BATES, on behalf of himself, all) others similarly situated, the general) 14 public, and as an “aggrieved employee”) under the California Labor Code Private) 15 Attorneys General Act,) 16 Plaintiff,) 17 vs.)) 18 MORGAN STANLEY SMITH BARNEY) LLC, a limited liability company,) 19 CITIGROUP GLOBAL MARKETS INC. a) corporation formerly doing business as) 20 SMITH BARNEY, CITIGROUP GLOBAL) MARKETS HOLDINGS, INC., a) 21 corporation, and DOES 1 through 50,) inclusive,) 22 Defendants.) 23)</p>	<p>Case No. CIV S-09-03049 FCD-GGH) STIPULATION TO CONTINUE) HEARING DATE ON PLAINTIFF’S) MOTION FOR DETERMINATION THAT) ARBITRATION CLAIM IS PART OF) CLASS ACTION; ORDER)) <i>Action Filed: August 21, 2009</i>)) New Date: August 20, 2010) Time: 10:00 a.m.) Place: Courtroom 2)) Old Date: August 6, 2010) Time: 10:00 a.m.) Place: Courtroom 2))</p>
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24 Plaintiff ERIC B. BATES and Defendants MORGAN STANLEY SMITH
 25 BARNEY LLC, CITIGROUP GLOBAL MARKETS INC. f/k/a SMITH BARNEY, and
 26 CITIGROUP GLOBAL MARKETS HOLDINGS, INC. (collectively referred to herein as
 27 “CGMI”), stipulate and agree, and jointly apply to this Court for an order continuing the
 28 hearing date for Plaintiff’s Motion for Determination that Arbitration Claim is Part of

1 Class Action, which is currently scheduled for August 6, 2010 at 10:00 a.m. in Courtroom
2 2. The parties wish to continue the hearing date **to August 20, 2010 at 10:00 a.m. in**
3 **Courtroom 2** as a result of Defendants' counsel's unavailability for the August 6, 2010
4 hearing date.

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6 DATED: June 17, 2010

LAW OFFICES OF SCOT D. BERNSTEIN
LAW OFFICES OF WILLIAM P.
TORNGREN

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9 /s/ William P. Torngren
WILLIAM P. TORNGREN
Attorneys for Plaintiff ERIC B. BATES

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11
12 DATED: June 17, 2010

13 /s/ Nathan R. Jaskowiak
LISA M. BERTAIN
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NATHAN R. JASKOWIAK
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Attorneys for Defendants
MORGAN STANLEY SMITH BARNEY LLC,
CITIGROUP GLOBAL MARKETS INC. f/k/a
SMITH BARNEY. CITIGROUP GLOBAL
MARKETS HOLDINGS, INC.

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19 **ORDER**

20 Good cause appearing, the Court enters the above Stipulation as its Order.

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23 DATED: June 21, 2010

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27 FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE