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7 Attorneys for Plaintiff HOLLI MENDEZ

8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **SACRAMENTO DIVISION**

11
 12 HOLLI MENDEZ, *et al*

13 Plaintiff,

14 vs.

15 TWEEN BRANDS, INC.,

16 Defendant.

Case No.: 2:10-cv-00072-MCE-DAD

**STIPULATION AND
 ORDER**

17
 18 Plaintiff, HOLLI MENDEZ, and Defendant TWEEN BRANDS, INC. stipulate to the following:

- 19 1. Plaintiff commenced this lawsuit on January 8, 2010.
 20 2. No date has been set yet for the last date to amend the pleadings.
 21 3. Plaintiff has not previously filed an amended pleading.
 22 4. Attached to this Stipulation is a copy of the proposed First Amended
 23 Complaint.
 24 5. Plaintiff wishes to amend her complaint to add an additional party and to
 25 clarify allegations contained in the complaint. The new party also adds an additional cause
 26 of action.
 27 6. Defendant wishes to avoid the time and expense of requiring Plaintiff to file a
 28 motion to amend her complaint.

1 7. Defendant reserves all rights and defenses to respond to the amended
2 complaint.

3 8. The parties have discussed Defendant's response to the proposed First
4 Amended Complaint and feel that Defendant will need additional time in order to file a
5 response pleading.

6 9. The parties have agreed that Defendant will have 40 days from the filing of
7 the First Amended Complaint to file a responsive pleading.

8 10. The extra time in responding will be used by the parties to further meet and
9 confer and narrow the issues to be addressed by the Court.

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DATED: April 2, 2010

LAW OFFICES OF MICHAEL TRACY

/s/ Michael Tracy

By: _____
MICHAEL TRACY, Attorney for Plaintiffs


DATED: April 5, 2010

Little Mendelson

By: _____/s/_____
Robert Zaletel, Attorney for Defendant

**IT IS SO ORDERED THAT PLAINTIFF MAY FILE THE ATTACHED FIRST AMENDED
COMPLAINT AND THAT DEFENDANT'S RESPONSE IS DUE THIRTY (30) DAYS
AFTER THE DATE SAID FIRST AMENDED COMPLAINT IS ELECTRONICALLY
FILED.**

DATED: April 7, 2010



MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE