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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**

10 FERNANDO ZAMUDIO, an individual,)	CASE NO: CV11-02411-WBS-GGH
)	
11 PLAINTIFF,)	STIPULATION AND PROPOSED
)	ORDER TO CONTINUE STATUS (PRE-
12 v.)	TRIAL SCHEDULING) CONFERENCE
)	
13 AT&T MOBILITY SERVICES LLC, a)	Date: January 9, 2012
Delaware Limited Liability Company; and)	Time: 2:00 p.m.
14 DOES 1-100, jointly and severally,)	Dept.: Courtroom 5
)	Judge: Honorable William B. Shubb
15 DEFENDANTS.)	
)	

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 17 Pursuant to the Court’s September 13, 2011 Order, a Status (Pretrial Scheduling)
 18 Conference in the above referenced matter was scheduled for January 9, 2012. The Order further
 19 required the parties to file a joint status report no later than fourteen (14) days prior to the
 20 scheduling conference. For the reasons set forth below, Plaintiff respectfully requests that the
 21 Court continue the Status Conference scheduled for January 9, 2012 to February 13, 2012, at 2:00
 22 p.m.

23 On October 6, 2011, counsel for AT&T Mobility Services LLC (“AT&T Mobility”) advised
 24 Plaintiff’s counsel that none of the four Defendants named in the Complaint were proper parties
 25 to this case, and further advised that, based on the allegations of the Complaint, the only entity
 26 which should have been named as a Defendant was his client, AT&T Mobility. In reliance on those
 27 representations, Plaintiff filed a First Amended Complaint on October 26, 2011, which removed
 28 all prior Defendants, and named the new, current, Defendant AT&T Mobility. Said Defendant was

1 subsequently served on November 4, 2011 via Waiver of Service of Summons. On November 15,
2 2011 Plaintiff received the signed Waiver of Service from Defendant and filed the Proof of Service
3 with the Court. Defendant's answer to the complaint is due on January 3, 2012, and Plaintiff does
4 not anticipate the Defendant will appear until that date.

5 Given that the new Defendant has not yet appeared, is not obligated to appear, and will not
6 appear prior to January 3, 2012, Plaintiff does not believe there to be sufficient time to Meet and
7 Confer, and prepare and submit the Joint Status Report to the Court prior to the date of the
8 conference. Accordingly, Plaintiff believes that continuing the Status (Pretrial Scheduling)
9 Conference until February 13, 2012, would provide both parties ample and reasonable time to Meet
10 and Confer and prepare the Joint Status Report.

11 NOW, THEREFORE, subject to the Court's approval, Plaintiff, by and through his counsel
12 of record, respectfully asks the following:

- 13 1. That the Status (Pre-Trial Scheduling) Conference be continued from January 9,
14 2012, at 2:00 p.m., to February 13, 2012, at 2:00 p.m.; and
- 15 2. That the corresponding deadline to file the Joint Status Report be continued to
16 January 30, 2012.

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19 **GREEN BRYANT & FRENCH, LLP**

20 Dated: November 30, 2011

21 /s/ Joel R. Bryant
22 Joel R. Bryant, Esq.
23 Jbryant@gbflawyers.com
24 Attorney for Plaintiff
25 FERNANDO ZAMUDIO

1 **ORDER**

2 **IT IS ORDERED THAT:**

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4 1. The Status (Pre-Trial Scheduling) Conference is continued from January 9, 2012,
5 at 2:00 p.m., to **February 21, 2012 at 2:00 p.m. in Courtroom 5**; and

6 2. The deadline to file the Joint Status Report is continued from December 26, 2011,
7 to **February 7, 2012.**

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10 Dated: November 30, 2011

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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE