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12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA**

14 ADVANCED STEEL RECOVERY, LLC,
15 Plaintiff,
16 vs.
17 X-BODY EQUIPMENT, INC. and JEWELL
18 ATTACHMENTS, LLC,
19 Defendants.
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) Case No. 2:12-cv-01004-GEB-DAD
) [Hon. Garland E. Burrell, Jr.]

) **SECOND JOINT STIPULATION TO**
) **CONTINUE HEARING DATE AND**
) **ADJUST BRIEFING SCHEDULE RE:**
) **DEFENDANTS' MOTION FOR**
) **ATTORNEYS' FEES**

AND RELATED COUNTERCLAIMS

Second Stip. Re: Hearing Date and
Briefing Schedule on Defendants'
Motion for Attorneys' Fees

Case No. 2:12-cv-01004-GEB-DAD

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STIPULATION

WHEREAS, On September 8, 2014, Defendants X-Body Equipment, Inc. and Jewell Attachments, LLC (collectively “Defendants”) filed a Motion for Attorney’s Fees and Exceptional Case Status, with a hearing on the motion scheduled for October 6, 2014 (see, Docket No. 73);

WHEREAS, pursuant to a stipulation of the parties, the Court ordered the hearing date to be moved to October 20, 2014, and adjusted the briefing schedule so that Plaintiff’s opposition papers would be due on September 29, 2014, and Defendants reply papers would be due on October 13, 2014 (see, Docket No. 77);

WHEREAS, following the Court’s Order on September 19, 2014 regarding Defendants’ Request to Seal Documents (see, Docket No. 84), Defendants served unredacted billing statements on counsel for ASR on September 22, 2014;

WHEREAS, as a result of the Court’s Order on September 19, 2014, and the subsequent service of the unredacted billing statements on ASR, counsel for ASR requested, and counsel for Defendants agreed, that ASR may have an extra week to review the billing statements for purposes of preparing and submitting its opposition to Defendants’ motion for attorneys’ fees;

WHEREAS, the parties have agreed to request that the Court move the hearing date on Defendants’ motion for attorneys’ fees to October 27, 2014, the due date for Defendants’ reply papers to October 20, 2014, and the due date for Plaintiff’s opposition papers to October 6, 2014;

WHEREAS, the parties’ requested changes to the hearing date and briefing schedule related to Defendants’ motion for attorneys’ fees is not sought for purposes of delaying resolution of Defendants’ motion.

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1 NOW THEREFORE, the parties, by and through their counsel of record, hereby stipulate
2 and agree to move the hearing date on Defendants' motion for attorneys' fees to October 27,
3 2014, the due date for Defendants' reply papers to October 20, 2014, and the due date for
4 Plaintiff's opposition papers to October 6, 2014.

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6 **IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.**


CISLO & THOMAS LLP	SEDGWICK LLP
/s/ Mark D. Nielsen Daniel M. Cislo Mark D. Nielsen Attorneys for Plaintiff, ADVANCED STEEL RECOVERY, LLC Dated: September 22, 2014	/s/ Robert M. Harkins, Jr. (with permission) Robert M. Harkins, Jr. Matthew A. Fischer Jennifer Ming Attorneys for Defendants, X-BODY EQUIPMENT, INC. and JEWELL ATTACHMENTS LLC Dated: September 22, 2014

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17 **ORDER**

18 Based on the parties' stipulation submitted concurrently herewith,
19 IT IS HEREBY ORDERED THAT the hearing date on Defendants' motion for attorneys' fees
20 (Docket No. 73) shall be moved to November 3, 2014 at 9:00 a.m.; the deadline for Defendants'
21 reply papers shall be moved to October 20, 2014; and, the deadline for Plaintiff's opposition
22 papers shall be moved to October 6, 2014.

23 **IT IS SO ORDERED.**

24 Dated: September 23, 2014

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27 GARIAND E. BURRELL, JR.
28 Senior United States District Judge

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PROOF OF SERVICE

I HEREBY CERTIFY that on this 22nd day of September, 2014, a true and correct copy of the foregoing pleading or paper was served using the Court's CM/ECF system with electronic notification of such filing to the following counsel of record:

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FEDERAL: I declare, under penalty of perjury under the laws of the United States of America that the foregoing is true and that I am employed in the office of a member of the Bar of this Court at whose direction the service was made.

Executed on September 22, 2014, at Westlake Village, California.

/s/ Laura Banuelos
Laura Banuelos