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11 Attorneys for Plaintiff  
 12 BOBBY R. BRACK

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

16 BOBBY R. BRACK, an individual,  
 17 Plaintiff,  
 18 v.  
 19 DR PEPPER/SEVEN UP, INC., a corporation;  
 and DOES 1 through 100, inclusive,  
 20 Defendants.

Case No. 2:16-cv-01209-MCE-AC

**JOINT STIPULATION TO EXTEND TIME  
 FOR DEFENDANT TO FILE ITS MOTION  
 FOR SUMMARY JUDGMENT ORDER  
 THEREON**

Dist. Judge: Hon. Morrison C. England, Jr.  
 Place: Courtroom 14, 7<sup>th</sup> Fl.  
 (Sacramento)

Complaint Filed: January 13, 2016  
 Trial Date: None

1 IT IS HEREBY STIPULATED AND AGREED by and between plaintiff Bobby Brack  
2 (“Plaintiff”) and defendant Dr Pepper /Seven Up, Inc. (“Defendant”) (collectively, the “Parties”),  
3 by and through their respective attorneys of record, as follows:

4 WHEREAS, on August 10, 2016, the Parties submitted a Proposed Joint Discovery Plan  
5 with a fact discovery completion date of May 2, 2017 and a dispositive motion filing deadline of  
6 June 17, 2017 (Dkt. No. 8);

7 WHEREAS, the Parties are scheduled to participate in private mediation on July 21, 2017;

8 WHEREAS, Defendant intends to file a motion for summary judgment;

9 WHEREAS, in light of the mediation date, the Parties have stipulated to a one-month  
10 extension of the deadline for Defendant to file its motion for summary judgment, which extended  
11 such deadline to July 17, 2017; and

12 WHEREAS, with the extension, Defendant’s motion for summary judgment will be filed  
13 within one hundred eighty (180) days after the close of discovery, as required by this Court’s Initial  
14 Pretrial Scheduling Order (Dkt. No. 5).

15 THEREFORE, the Parties hereby stipulate that the deadline for Defendant to file its motion  
16 for summary judgment shall be extended to July 17, 2017.

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18 **IT IS SO STIPULATED.**

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20 DATED:

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

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By: /s/ Stuart D. Tochner

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Stuart D. Tochner  
Amber L. Roller

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Attorneys for Defendant  
DR PEPPER/SEVEN UP, INC.

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DATED:

LAW OFFICES OF LINH T. NGUYEN

By: /s/ Linh T. Nguyen (as approved on 5/25/2017  
Linh T. Nguyen

Attorneys for Plaintiff  
BOBBY BRACK

**ORDER**

The Court, having reviewed and considered the Parties' Joint Stipulation to Extend Time for Defendant to File its Motion for Summary Judgment, and finding good cause for the following, HEREBY ORDERS that the time for Defendant to file its motion for summary judgment is extended to July 17, 2017.

**IT IS SO ORDERED.**

Dated: May 31, 2017

  
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE