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Hoover v. MDM365,Inc.

This Stipulation and proposed Order is entered into between Plaintiff KELLY HOOVER ("Plaintiff") and Defendant MOM365, INC. ("Defendant") (Plaintiff and Defendant all collectively, the "Parties"), by and through their counsel of record, as follows:

WHEREAS, Plaintiff initiated the above entitled action by filing a Complaint in the California Superior Court for the County of Sacramento on May 19, 2017;

WHEREAS Defendant removed Plaintiff's Action to the United States Superior Court for the Eastern District of California and filed a Notice of Removal on June 29, 2017;

WHEREAS Plaintiff filed a First Amended Complaint on September 1, 2017;

WHEREAS Plaintiff filed a Motion to Modify the Pre-Trial Scheduling Order and For Leave to File a Second Amended Complaint and the Hearing for that Motion is scheduled for April 4, 2018 at 2:00 p.m. in Courtroom 2, 15th Floor of the United States District Court for the Eastern District of California;

WHEREAS Defendant's Opposition Brief to Plaintiff's Motion is due March 22, 2018 and Plaintiff's Reply Brief is due on March 29, 2018;

WHEREAS the Court entered a Pretrial Scheduling Order on October 19, 2017;

WHEREAS the Parties agree it is in their best interest to continue the Motion hearing and the corresponding deadlines to file an opposition and reply brief and to continue other litigation dates in the Court's Pretrial Scheduling Order in order to continue settlement discussions arising from and subsequent to the Parties' January 16, 2018 mediation in an attempt to resolve Plaintiff's remaining class claims;

WHEREAS a ruling on the pending Motion and the added expense related to further briefing in connection therewith will make resolution much more difficult to achieve; and

WHEREAS the Parties have not requested any prior extensions or modifications to the Court's October 19, 2017 Pretrial Scheduling Order;

NOW, THEREFORE, good cause having been shown under Rule 16, IT IS HEREBY STIPULATED AND AGREED, by and between the Parties, subject to the approval of the Court, as follows:

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ORDER

The COURT, having considered the above stipulation and finding good cause, HEREBY ORDERS that:

- 1. Plaintiff's Motion to Modify the Pretrial Scheduling Order and For Leave to File a Second Amended Complaint Hearing currently set for 2:00 p.m. on April 5, 2018 will be continued to 2:00 p.m. on June 28, 2018;
- 2. All opposition and reply briefs due to be filed in connection with Plaintiff's Motion will be now be due based on the newly set hearing dates and in accordance with Local Rules;
- 3. Nothing in this stipulation and proposed order, or the act of entering into this stipulation and proposed order, shall prejudice Plaintiff or Defendant in any argument they may otherwise make in the opposition and/or reply briefs;
- 4. The deadline for completing Phase I of discovery pertaining to class certification will be continued from June 15, 2018 to August 17, 2018;
- 5. The deadline for disclosure of expert witnesses will be continued from September 14, 2018 to November 16, 2018; and
- 6. The deadline for hearing the Class Certification Motion will be continued from December 6, 2018 to February 21, 2019.

IT IS SO ORDERED.

Dated: March 22, 2018

Troy L. Nunley

United States District Judge

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