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10 WBM LLC d/b/a WBM INTERNATIONAL

11 UNITED STATES DISTRICT COURT
12 EASTERN DISTRICT OF CALIFORNIA
13

14 RICHARD BERGKAMP, individually and on
behalf of all others similarly situated,

15 Plaintiffs,
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17 v.

18 WBM LLC d/b/a WBM INTERNATIONAL,
and DOES 1-10, Inclusive,

19 Defendants.
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Case No. 2:17-cv-02533-KJM-CKD

**STIPULATION REGARDING
PLAINTIFF'S FIRST AMENDED
COMPLAINT AND DEFENDANT'S
RESPONSE THERETO**

1 Plaintiff Richard Bergkamp (“Plaintiff”) and Defendant WBM LLC d/b/a WBM
2 International (“WBM”) (collectively, the “Parties”) hereby stipulate to and agree to permit
3 Plaintiff to file a First Amended Complaint on or before January 26, 2018 and to set the deadline
4 for WBM’s response thereto as February 9, 2018, as follows:

5 WHEREAS, on December 1, 2017, WBM timely removed Plaintiff’s Original Complaint
6 to this Court. *See* Dkt. No. 1;

7 WHEREAS, WBM’s original responsive pleading deadline was set for December 8, 2017;

8 WHEREAS, pursuant to Local Rule 144(a), the Parties stipulated to a 28-day extension of
9 the time to respond to Plaintiff’s Original Complaint. *See* Dkt. No. 3;

10 WHEREAS, pursuant to this Court’s Standing Order requiring pre-filing meet and confer
11 prior to the filing of any motion, WBM’s counsel advised Plaintiff’s counsel of WBM’s intent to
12 move to dismiss Plaintiff’s Original Complaint, and Plaintiff’s counsel advised that Plaintiff was
13 contemplating filing a motion to remand this action to state court. Plaintiff’s motion to remand
14 was due January 2, 2018. *See* 28 U.S.C. § 1447(c);

15 WHEREAS, to provide an opportunity to complete meet and confer on the foregoing, the
16 Parties stipulated to continue WBM’s deadline to respond to Plaintiff’s Original Complaint for
17 two (2) weeks, to and including January 19, 2018, and further agreed to extend Plaintiff’s
18 deadline to file a motion to remand to and including January 8, 2018. *See* Dkt. No. 4;

19 WHEREAS, the Court granted the Parties stipulation, extending Plaintiff’s deadline to file
20 a motion to remand to January 8, 2018, and extending WBM’s deadline to respond to the Original
21 Complaint to January 19, 2018. *See* Dkt. No. 6;

22 WHEREAS, Plaintiff filed his motion to remand on January 8, 2018 and set the hearing
23 on that motion for March 9, 2018. *See* Dkt. No. 8;

24 WHEREAS, during additional meet and confer of the Parties, Plaintiff agreed to file a
25 First Amended Complaint, and that WBM would have no obligation to respond to Plaintiff’s
26 Original Complaint;

27 WHEREAS, the Parties further agreed to set Plaintiff’s deadline to file his First Amended
28

1 Complaint on January 19, 2018;

2 WHEREAS, the Parties further agreed to set WBM's responsive pleading deadline to
3 Plaintiff's First Amended Complaint for February 9, 2018;

4 WHEREAS, the scheduling modifications provided herein will not otherwise impact any
5 deadlines already set by the Court.

6 THEREFORE, IT IS HEREBY STIPULATED by the Parties that:

7 (1) WBM has no obligation to respond to Plaintiff's Original Complaint;

8 (2) The deadline for Plaintiff to file his First Amended Complaint is January 19, 2018;

9 (3) The deadline for WBM to respond to Plaintiff's First Amended Complaint is
10 February 9, 2018.

11 IT IS SO STIPULATED.

12 Dated: January 10, 2018

DRINKER BIDDLE & REATH LLP

14 By: /s/ Marshall L. Baker

15 Michael J. Stortz
Marshall L. Baker

16 Attorneys for Defendant
17 WBM LLC d/b/a WBM INTERNATIONAL

18 Dated: January 10, 2018

BESHADA FARNESE LLP

20 By: /s/ Peter J. Farnese (authorized on 1/10/2018)

21 Peter J. Farnese

22 Attorneys for Plaintiff
23 RICHARD BERGKAMP

24 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

25 DATED: January 16, 2018.

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27 UNITED STATES DISTRICT JUDGE