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8 *Attorneys for Defendant*
 9 *Windham Professionals, Inc.,*

10 **UNITED STATES DISRICT COURT**
 11 **EASTERN DISTRICT OF CALIFORNIA**

9 TYRONE BARNES,)	CASE NO: 2:18-CV-01736-WBS-EFB
)	
10 Plaintiffs,)	STIPULATION TO EXTEND TIME FOR
)	DEFENDANT TO RESPOND TO CLASS
11 v.)	ACTION COMPLAINT; ORDER
)	THEREON
)	
12 WINDHAM PROFESSIONALS, INC.,)	Assigned to: Honorable
)	William B. Shubb
13 Defendants.)	
)	Complaint filed: June 15, 2018
)	

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16 WHEREAS, on June 15, 2018, plaintiff Tyrone Barnes
 17 ("Plaintiff") filed a Class Action Complaint against Windham
 18 Professionals, Inc. ("Defendant") alleging violations of the
 19 Telephone Consumer Protection Act (47 U.S.C. § 227, et seq.) (the
 20 "TCPA");

21 WHEREAS, Defendant contends that, among other things, the
 22 system used by Defendant to contact Plaintiff was not an "auto-
 23 dialer" as encompassed by TCPA, and that Defendant therefore has
 24 not violated the TCPA;

1 WHEREAS, the parties have been in communication and have been
2 discussing the exchange of information which could result in the
3 resolution of this matter; and

4 WHEREAS, Plaintiff has previously granted Defendant a 28 day
5 extension to respond to the Complaint to attempt to facilitate
6 resolution of this matter,

7 THE PARTIES HEREBY STIPULATE AND AGREE, subject to Court
8 approval, as follows:

9 Pursuant to Eastern District of California Local Rule 144(a),
10 subject to Court approval, Defendant shall have an additional
11 thirty (30) days to respond to the Complaint. Defendant's
12 response shall therefore be due September 6, 2018.

13
14 Dated: August 2, 2018 MARKUN ZUSMAN FRENIERE & COMPTON, LLP

15
16 /s/ Daria Dub Carlson
17 Attorneys for defendant Windham
 Professionals, Inc.

18 Dated: August 2, 2018 BORSOR & FISHER, P.A.

19
20 /s/ L. Timothy Fisher
21 (as authorized on August 2, 2018)
22 Attorneys for Plaintiff Tyrone Barnes,
23 individually and on behalf of all others
24 similarly situated


ORDER

1 The Court, having reviewed and considered the parties'
2 Stipulation to Extend Time for Defendant to Respond to Class
3 Action Complaint (the "Stipulation"), and good cause appearing
4 therefore,

5 IT IS HEREBY ORDERED AS FOLLOWS:

6 Defendant Windham Professionals, Inc. ("Defendant") shall
7 have an additional thirty (30) days to respond to the Class Action
8 Complaint of plaintiff Tyrone Barnes. Defendant's response shall
9 therefore be due September 6, 2018.

10 **Dated: August 3, 2018**

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12 WILLIAM B. SHUBB
13 UNITED STATES DISTRICT JUDGE
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