1 2 3 4 5 6 7 8	Alan Himmelfarb LAW OFFICES OF ALAN HIMMELFARB 2757 Leonis Blvd Los Angeles, CA 90058 Telephone: (323) 585-8696 Fax: (323) 585-8198 consumerlaw1@earthlink.net Scott A. Kamber Ethan Preston KAMBER & ASSOCIATES, LLC 11 Broadway, 22d Floor New York, NY 10004 Telephone: (212) 920-3072 Fax: (212) 202-6364 skamber@kolaw.com epreston@kolaw.com				
10	Counsel for Plaintiffs				
11	UNITED STATE	UNITED STATES DISTRICT COURT			
12		FORNIA – SAN FRANCISCO DIVISION			
13					
14	MATTHEW ELVEY, an individual, and GADGETWIZ, INC., an Arizona	Case No. C 07 2852 MJJ			
15	corporation, on their own behalf and on behalf of all others similarly situated,	STIPULATED [PROPOSED] ORDER CONTINUING CASE MANAGEMENT			
16	Plaintiffs	CONFERENCE			
17	v.	Judge: Martin J. Jenkins			
18 19	TD AMERITRADE, INC., a New York corporation, and DOES 1 to 100,				
20	Defendants.				
21					
22					
23	GR	ROUNDS			
24	Plaintiffs Matthew Elvey and C	Gadgetwiz.com filed a First Amended Complaint			
25	against Defendant TD Ameritrade, Inc. ("TD	Ameritrade"), on June 28, 2007, and Motion for			
26	Preliminary Injunction on July 10, 2007. TD	ninary Injunction on July 10, 2007. TD Ameritrade filed a Motion to Dismiss the			
27	Plaintiffs' First Amended Complaint on July	18, 2007.			
28		-1-			
		STIPULATED [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE			

1	2. In a	proposed stipul	ated order filed	by the parties on September 24, 2007, the	
2	parties explained th	plained that the parties are meeting and sharing information and on that basis, the			
3	parties requested that the Motion for Preliminary Injunction and Motion To Dismiss be removed				
4	from the Court's ca	alendar.			
5	3. On	September 26, 2	007, the Court e	entered the stipulated order removing the	
6	motions from the Court's calendar and permitting the parties to re-notice their respective motion				
7	on fourteen days notice.				
8	4. The	discussions refe	erenced in the Se	eptember 26 stipulated order are ongoing and	
9	the parties anticipate that those discussions will reach a conclusion concerning the direction of				
10	the litigation within approximately 30 days. Accordingly, the interests of the parties and the				
11	interests of judicial efficiency would be best served by continuing the Case Management				
12	Conference to November 13, 2007.				
13	STIPULATION				
14	1. IT IS HEREBY STIPULATED, pursuant to Local Rule 6-2, that the Case				
15	Management Conference shall be continued from October 16, 2007 to November 13, 2007 at				
16	2:00 p.m.				
17					
18	IT IS SO STIPULATED, THROUGH COUNSEL.				
19	Dated: October 9,	2007	Ву:	/s/	
20	Buted. Getober 3,	2007	<i>D</i> y	Ethan Preston	
21				Counsel for Plaintiffs Matthew Elvey and Gadgetwiz, Inc. and the putative class	
22					
23	Dated: October 9, 2	2007	Ву:	/s/ Lee H. Rubin	
24				Mayer Brown LLP	
25				Two Palo Alto Square Suite 300	
26				Palo Alto, California 94306	
27				Counsel for Defendant	
28				TD AMERITRADE, Inc.	
	-2- STIPULATED [PROPOSED] ORDER CONTIN				G

STIPULATED [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE CASE NO.: C-07-2852-MJJ

IT IS SO ORDERED.	
Date:	By:
	By: THE HONORABLE MARTIN J. JENKINS UNITED STATES DISTRICT COURT JUDGE
	UNITED STATES DISTRICT COURT JUDGE

STIPULATED [PROPOSED] ORDER CONTINUING
CASE MANAGEMENT CONFERENCE
CASE NO.: C-07-2852-MJJ