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10 *Counsel for Plaintiffs*

11 **UNITED STATES DISTRICT COURT**

12 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION**

14 MATTHEW ELVEY, an individual, and
 GADGETWIZ, INC., an Arizona
 15 corporation, on their own behalf and on
 behalf of all others similarly situated,

16 Plaintiffs

17 v.

18 TD AMERITRADE, INC., a New York
 19 corporation, and DOES 1 to 100,

20 Defendants.

Case No. C 07 2852 MJJ

**STIPULATED ~~PROPOSED~~ ORDER
 CONTINUING CASE MANAGEMENT
 CONFERENCE**

Judge: Martin J. Jenkins

22 **GROUNDS**

23
 24 1. Plaintiffs Matthew Elvey and 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 Ameritrade filed a Motion to Dismiss the
 27 Plaintiffs’ First Amended Complaint on July 18, 2007.

1 2. In a proposed stipulated order filed by the parties on September 24, 2007, the
2 parties explained 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 calendar.

5 3. On September 26, 2007, the Court entered the stipulated order removing the
6 motions from the Court's calendar and permitting the parties to re-notice their respective motions
7 on fourteen days notice.

8 4. The discussions referenced in the September 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~~. December 4, 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 December 4, 2007 at
16 2:00 p.m.

17
18 IT IS SO STIPULATED, THROUGH COUNSEL.

19 Dated: October 9, 2007

By: _____ /s/

Ethan Preston
Counsel for Plaintiffs Matthew Elvey and
Gadgetwiz, Inc. and the putative class

22
23 Dated: October 9, 2007

By: _____ /s/

Lee H. Rubin
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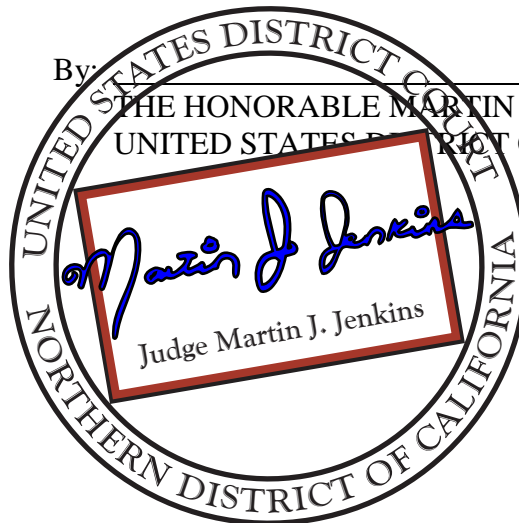
Counsel for Defendant
TD AMERITRADE, Inc.

1 PURSUANT TO STIPULATION, IT IS SO ORDERED.

2 IT IS SO ORDERED.

3 Date: 10/11/07

By: _____
THE HONORABLE MARTIN J. JENKINS
UNITED STATES DISTRICT COURT JUDGE



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