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 14 CASHCALL, INC.

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 KRISTA O'DONOVAN, an individual,
 18 Plaintiff,
 19 v.

20 CASHCALL, INC., a California corporation, and
 DOES 1 through DOE 50, inclusive,
 21 Defendants.

Case No.: C 08-03174 MEJ

**STIPULATION AND [proposed] ORDER
 FOR EXTENSION OF DEADLINES;
 DECLARATION OF WHITNEY
 HUSTON**

Magistrate Judge: Maria-Elena James
 Complaint filed: June 1, 2008

1 WHEREAS, Plaintiff Krista O’Donovan and Defendant CashCall, Inc. filed a Stipulation and
2 [proposed] Order for Extension of Deadlines on September 11, 2008 [Docket # 6], in which the
3 parties requested extension to the deadlines set forth in the June 1, 2008 Order Setting Initial Case
4 Management Conference and ADR Deadlines (“CMC Order”) [Docket # 4].

5 WHEREAS the Court granted this request on September 9, 2008 [Docket # 8].

6 WHEREAS, the parties inadvertently requested in their Stipulation that the deadline to file
7 the Rule 26(f) Report, complete initial disclosures or state objections in the Rule 26(f) Report, and to
8 file the Joint Case Management Statement, be the *same* date as the conference of the parties pursuant
9 to Federal Rules of Civil Procedure, rule 26, *i.e.*, November 14, 2008.

10 WHEREAS, pursuant to Rule 26(f)(2) and the CMC Order, the deadline for: (1) filing the
11 Rule 26(f) Report, (2) completing initial disclosures or stating an objection in the Rule 26(f) Report,
12 and (3) filing the Joint Case Management Statement is 7 days prior to the Initial Case Management
13 Conference.

14 NOW, THEREFORE, Plaintiff and Defendant, through their respective counsel, hereby
15 stipulate, subject to the approval of this Court, that deadline to file the Rule 26(f) Report, complete
16 initial disclosures or state objections in the Rule 26(f) Report, and to file the Joint Case Management
17 Statement be extended to November 26, 2008.

18
19 DATED: September 26, 2008

THE STURDEVANT LAW FIRM
A Professional Corporation

20 By: /s/ Whitney Huston
21 WHITNEY HUSTON
Attorneys for Plaintiff

22 DATED: September 26, 2008

MANATT, PHELPS & PHILLIPS, LLP

23 By: /s/ Brad W. Seiling
24 BRAD W. SEILING
Attorneys for Defendant

25 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
26 “conformed” signature (/S/) within this efiled document.

27 By: /s/ Whitney Huston
28 WHITNEY HUSTON

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

The last day for parties to file the Rule 26(f) Report, complete initial disclosures or state objections in the Rule 26(f) Report, and to file the Joint Case Management Statement shall be extended to November 26, 2008.

DATED: September 26, 2008



MARCELLENA JAMES
United States Magistrate Judge

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DECLARATION OF WHITNEY HUSTON

I, Whitney Huston, declare as follows:

1. I am a member of the State Bar of California and admitted to practice law in all the courts of the State of California and in the United States District Court for the Northern District of California. I am in good standing with the Bar and with this Court. I am employed by The Sturdevant Law Firm, counsel for plaintiffs in the above-entitled action.

2. I make this declaration of my own personal knowledge, and if called as a witness, could and would testify competently to the matters stated herein.

3. On September 11, 2008, the parties, through their respective counsel, filed a Stipulation and [proposed] Order for Extension of Deadlines on September 11, 2008 [Docket # 6], in which the parties requested extension to the deadlines set forth in the June 1, 2008 Order Setting Initial Case Management Conference and ADR Deadlines (“CMC Order”) [Docket # 4]. The Court granted this request on September 9, 2008 [Docket # 8].

4. However, after the September 9, 2008 Order was issued, I noticed that the parties had inadvertently requested that the deadline to file the Rule 26(f) Report, complete initial disclosures or state objections in the Rule 26(f) Report, and to file the Joint Case Management Statement, be the *same* date as the conference of the parties pursuant to Federal Rules of Civil Procedure, rule 26, *i.e.*, November 14, 2008.

5. On September 25, 2008, the parties, through their respective counsel, conferred regarding this inadvertent error. As such, Plaintiff’s and Defendant’s counsel agreed that to seek to correct this error, subject to the Court’s approval.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 26th day of September, 2008, at San Francisco, California.

By: /s/ Whitney Huston
WHITNEY HUSTON

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PROOF OF SERVICE

I am over the age of eighteen years and not a party to this action. I am a resident of the State of California and am employed in the County of San Francisco. My business address is The Sturdevant Law Firm, 354 Pine Street, Fourth Floor, San Francisco, California 94104. On **September 26, 2008**, I served a true and correct copy of the document(s) described below on the parties and/or their attorney(s) of record to this action in the manner indicated:

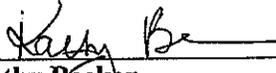
STIPULATION AND [proposed] ORDER FOR EXTENSION OF DEADLINES; DECLARATION OF WHITNEY HUSTON

[**XX**] **U.S. MAIL:** I am employed in the county where the mailing occurred. I am readily familiar with this firm's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, such correspondence is deposited with the United States Postal Service in a sealed envelope or package that same day with first-class postage thereon fully prepaid. On the date indicated above, I placed the document(s) listed above in a sealed envelope or package with first-class postage thereon fully prepaid, and placed the envelope or package for collection and mailing today with the United States Postal Service at San Francisco, California addressed as set forth on the attached service list. The address(es) shown on the attached service list is (are) the same as shown on the envelope or package. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in the affidavit. CCP §§ 1013(a)-(b), 1013a, FRCP § 5(b), FRAP §§ 5(c)-(d).

[**XX**] **ELECTRONIC SERVICE (E-MAIL):** Based on a court order or an agreement of the parties to accept service by electronic transmission ("e-mail"), I transmitted by e-mail the document(s) listed above from this e-mail address, **kbecker@sturdevantlaw.com**, to the e-mail address(es) set forth on the attached service list on this date. The document(s) listed above was (were) served electronically and the transmission was reported as complete and without error. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful. I, thereafter, mailed a copy to the same party(ies) by placing true copies of the document(s) in a sealed envelope or package with first-class postage thereon fully prepaid, in the United States mail at San Francisco, California addressed as set forth on the attached service list. The address(es) set forth on the attached service list is (are) the same as shown on the envelope or package. CCP § 1010.6(a)(6), CRC 2060, FRCP § 5(b), N.Dist. Civil L.R 5-5.

FEDERAL I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge. 28 U.S.C. § 1746.

Executed on **September 26, 2008**, at San Francisco, California.



Kathy Becker

SERVICE LIST

ADDRESSEE(S)	PARTY(IES) REPRESENTED
BRAD W. SEILING (SBN 143515) (bseiling@manatt.com) MANATT, PHELPS & PHILLIPS, LLP 11355 W. Olympic Blvd. Los Angeles, CA 90064 Telephone: (310) 312-4000 Facsimile: (310) 312-4224	Defendant CASHCALL, INC