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8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN FRANCISCO DIVISION**

11 JAMES A. BENEDICT, individually and on
 12 behalf of all others similarly situated,

13 Plaintiff,

14 vs.

15 CITIBANK, N.A., a national banking
 16 association organized under the laws of the
 United States of America, THE STUDENT
 17 LOAN CORPORATION, a Delaware
 Corporation,

18 Defendants.
 19

CASE NO. 08-04230 TEH

**STIPULATION TO SET HEARING
 DATE ON DEFENDANTS' MOTION
 TO COMPEL ARBITRATION AND
 CONTINUE CASE MANAGEMENT
 CONFERENCE AND ~~PROPOSED~~
 ORDER**

[Local Rule 6-1(a)]

**[DECLARATION OF ANDREW A.
 AUGUST FILED CONCURRENTLY
 HEREWITH]**

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 21
 22 WHEREAS, on October 6, 2008, this Honorable Court granted the parties' stipulated
 23 request to extend the time for Defendants Citibank, N.A. and The Student Loan Corporation
 24 ("Defendants") to respond to plaintiff's Complaint up to and including November 17, 2008;

25 WHEREAS, Defendants will file a Motion to Compel Arbitration on November 17, 2008;

26 WHEREAS, counsel for Plaintiffs and Defendants are engaged in productive early
 27 settlement discussions which may render the Motion to Compel Arbitration moot;
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1 WHEREAS, to conserve the resources of the parties and this Court, all parties desire to
2 exhaust early settlement negotiations before (1) briefing the Motion to Compel Arbitration, (2)
3 conducting a Case Management Conference; (3) undertaking the related obligations required by
4 Rule 26 of the Federal Rules of Civil Procedure that precede the Case Management Conference;
5 and (4) undertaking the time and expense of formal discovery;

6 WHEREAS, nothing herein shall waive any right Plaintiff would otherwise have to seek
7 discovery from Defendants in order to respond to any motions filed by Defendants nor
8 Defendants' right to oppose any such effort;

9 IT IS HEREBY STIPULATED by and between the parties hereto, through their
10 respective counsel of record, pursuant to Local Rule 6-1(a), that the hearing date for
11 Defendants' Motion to Compel Arbitration shall be set for February 23, 2009.
12 Plaintiff's opposition shall be due no later than February 2, 2009 and Defendants' reply
13 due no later than February 9, 2009. Further, the PARTIES STIPULATE that the Initial
14 Case Management Conference shall be continued from December 22, 2008 at 1:30 p.m.
15 to March 2, 2009 at 1:30 p.m.

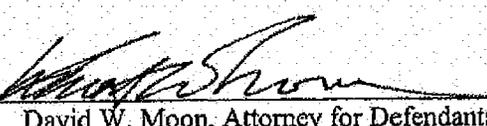
16 DATED: November 17, 2008

PINNACLE LAW GROUP LLP

17
18
19 By: 
20 Kevin F. Rooney, Attorneys for Plaintiff

21
22 DATED: November 17, 2008

STROOCK & STROOCK & LAVAN LLP

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24 By: 
25 David W. Moon, Attorney for Defendants

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ORDER

Based on the foregoing stipulation of counsel and good cause appearing therefore, IT IS
HEREBY ORDERED as follows:

- (1) The hearing date for Defendants' Motion to Compel Arbitration shall be set for February 23, 2009. Plaintiff's opposition shall be due no later than February 2, 2009 and Defendants' reply due no later than February 9, 2009; and
- (2) The Initial Case Management Conference is continued from December 22, 2008 to March 2, 2009 at 1:30 p.m.

PURSUANT TO STIPULATION OF COUNSEL, IT IS SO ORDERED.

Dated: November 18, 2008

