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6 Attorneys for Defendant
 CITIBANK (SOUTH DAKOTA), N.A., incorrectly
 7 identified as CITIBANK dba AT&T UNIVERSAL CARD

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

11 MICHELE FUKUDA, an individual,)	Case No. 08 CV 5480 MMC
12)	
13 Plaintiff,)	Assigned to the Honorable Maxine M. Chesney
14 vs.)	
15 CITIBANK dba AT&T UNIVERSAL CARD,)	STIPULATION AND PROPOSED
16 Defendant.)	ORDER CONTINUING HEARING ON
17)	MOTION TO DISMISS OF DEFENDANT
18)	CITIBANK (SOUTH DAKOTA), N.A.
19)	L.R. 7-7
20)	<u>Proposed Hearing Date:</u>
)	Date: February 13, 2009
)	Time: 9:00 a.m.
)	Courtroom: 7

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STIPULATION

WHEREAS, the hearing on the Motion of Defendant Citibank (South Dakota), N.A., incorrectly identified as Citibank dba AT&T Universal Card (“Citibank”), to Dismiss the Complaint (the “Motion”), currently is scheduled for January 23, 2009 at 9:00 a.m. in Courtroom 7 of the above captioned Court before the Honorable Maxine M. Chesney;

WHEREAS, as of the date of this Stipulation, Plaintiff Michele Fukuda (“Fukuda”) has not filed an Opposition to the Motion;

WHEREAS, due to an unavoidable scheduling conflict, counsel for Citibank no longer is available to attend the hearing on January 23, 2009;

WHEREAS, the parties have agreed, through their counsel of record, to continue the hearing on Citibank’s Motion to February 13, 2009 at 9:00 a.m.; and

WHEREAS, the parties also have agreed, through their counsel of record, that the date to file any Opposition and Reply in connection with the Motion shall run from the new hearing date.

IT IS HEREBY STIPULATED between the parties, through their counsel of record, pursuant to Local Rules 6-1 and 7-7, that the hearing date for Citibank’s Motion shall be set for February 13, 2009 at 9:00 a.m. and that the date to file any Opposition and Reply in connection with the Motion shall run from the new hearing date.

Dated: January 6, 2009

IRV BERG

By: _____ /s/

Irv Berg
Attorney for Plaintiff

Dated: January 6, 2009

STROOCK & STROOCK & LAVAN LLP

By: _____ /s/

Marcos D. Sasso
Attorneys for Defendant

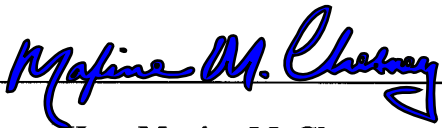
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~~PROPOSED~~ ORDER

Based on the foregoing stipulation of counsel and good cause appearing therefore, IT IS
HEREBY ORDERED that the hearing date for Citibank's Motion shall be February 13, 2009 at
9:00 a.m. and that the date to file any Opposition and Reply in connection with the Motion shall
run from the new hearing date.

IT IS SO ORDERED.

Dated: January 8, 2009


Hon. Maxine M. Chesney
United States District Court

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