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Attorneys for Plaintiff
THE AMERICAN AUTOMOBILE
ASSOCIATION, INC.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

THE AMERICAN AUTOMOBILE
ASSOCIATION, INC.,

Plaintiff,

v.

DARBA ENTERPRISES, INC.; DARRIN
BAGNUOLO; AND DOES 1 THROUGH
10, INCLUSIVE,

Defendants.

Civil Case No.:3:09-cv-0510-SI

**JOINT STIPULATION AND
[PROPOSED] ORDER TO
CONTINUE HEARING DATE ON
DEFENDANTS' MOTION TO
DISMISS**

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WHEREAS on February 26, 2009, Defendants filed a Motion to Dismiss Pursuant to FRCP 12(b) ("Motion to Dismiss");

WHEREAS on March 5, 2009, this Court set the aforementioned Motion to Dismiss for hearing on April 3, 2009;

WHEREAS the parties have been engaged in settlement negotiations since the end of February 2009, and these settlement negotiations are ongoing;

WHEREAS both parties believe that if given additional time to continue these settlement negotiations, a settlement may be reached, and the Court may not need to hear or rule on the Motion to Dismiss;

WHEREAS the Court has not granted any other extensions of time in this case to date, and this requested extension will not affect any other dates in the case; and

WHEREAS, the parties, Plaintiff through its counsel of record and Defendants through Darrin Bagnuolo, on behalf of Darba Enterprises, Inc. as its President and on behalf of himself as an individual, have agreed, subject to Court approval, to continue the hearing on the Motion to Dismiss,

IT IS HEREBY STIPULATED that the hearing on Defendants' Motion to Dismiss shall, subject to Court approval, be continued from April 3, 2009 to April 24, 2009. Plaintiff's opposition, if any, shall be filed and served no later than April 3, 2009, and any reply brief shall be filed and served by Defendants no later than April 10, 2009.

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PLAINTIFF:

DEFENDANTS:





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Darba Enterprises, Inc.

Leslie N. Harvey (State Bar No. 241203)

by Darrin Bagnuolo, President

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[PROPOSED] ORDER

Pursuant to the parties' Joint Stipulation to Continue Hearing Date on Motion to Dismiss and GOOD CAUSE APPEARING THEREFORE, IT IS HEREBY ORDERED that the hearing on Defendants' Motion to Dismiss is hereby VACATED and CONTINUED from April 3, 2009 to April 24, 2009. Plaintiff's opposition, if any, shall be filed and served no later than April 3, 2009, and any reply brief shall be filed and served by Defendants no later than April 10, 2009.

SIGNED this _____ day of Susan Illston, 2009.

The Honorable Susan Illston
United States District Court
Northern District of California