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11 Attorneys for Defendants

12  
 13 UNITED STATES DISTRICT COURT  
 14 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 ARABELLA LEMUS, MALVIN A. AYALA as  
 17 individuals and on behalf of all others similarly  
 situated,

18 Plaintiffs,

19 vs.

20 H&R BLOCK ENTERPRISES, LLC (fka H&R  
 BLOCK ENTERPRISES, INC., a Missouri  
 21 corporation); and DOES 1 through 50, inclusive,

22 Defendants.

Case No. CV-09-03179 SI  
 The Honorable Susan Illston

CLASS ACTION

JOINT STIPULATION FOR TO CONTINUE  
 HEARING ON MOTION FOR  
 PRELIMINARY APPROVAL OF  
 SETTLEMENT

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1 The undersigned counsel of record hereby stipulate and agree as follows:

2 At the last case management conference, the Court set a hearing date of January 13, 2012, on  
3 the parties' cross motions for summary judgement / adjudication, or in the alternative, if the parties  
4 reached a settlement of this matter, for preliminary approval of the settlement agreement. The parties  
5 are pleased to inform the Court that they have recently finalized and executed a settlement agreement  
6 and request that the Court take off calendar the parties' cross motions and continue the hearing for  
7 preliminary approval of the settlement to February 10, 2012, or a date thereafter that is convenient for  
8 the Court.

9 There are several reasons underlying the parties' request to continue the preliminary approval  
10 hearing date:

11 1. The parties have just finalized and executed the settlement documents and now need to  
12 prepare the motion for preliminary approval;

13 2. The busiest part of Defendant's tax season occurs between mid January and early February.

14 3. Defendant anticipates that the preliminary approval hearing could generate questions from  
15 its tax preparers. Defendant wants to ensure that there is sufficient time to put a communication plan in  
16 place alerting its managers that a settlement has been reached and instructing its managers on the  
17 appropriate manner in which to deal with such questions (i.e. - to not substantively discuss the terms of  
18 the settlement with tax preparers, or to say anything which might encourage or discourage tax preparers  
19 from participating in the settlement). Moreover, Defendant believes that its managers would be best  
20 equipped to deal with such questions outside of the busiest part of its tax season. .

21 4. The parties have agreed upon a schedule for dissemination of the notice to the class and  
22 final approval of the settlement which contemplates a preliminary approval hearing in early February  
23 and so no undue delay will be caused by the parties' request for a short continuance of the preliminary  
24 approval hearing.

25 5. The parties have contacted the Court's clerk, who has informed counsel that February 10,  
26 2012, is an available date on the Court's calendar.

27 It is therefore stipulated as follows:  
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- 1 1. The cross motions for summary judgment/adjudication are hereby withdrawn by the parties;  
2 2. The motion for preliminary approval of the settlement be continued until February 10, 2012, or  
3 a date thereafter that is convenient for the Court.

4 DATED: January 6, 2012

**MARLIN & SALTZMAN, LLP**

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By: /s/ Louis M. Marlin  
Louis M. Marlin  
Attorneys for Plaintiffs and Plaintiff Class

9 DATED: January 6, 2012

**SEYFARTH SHAW, LLP**

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By: /s/ Andrew M. Paley  
Andrew M Paley  
Attorneys for Defendants

13 IT IS SO ORDERED:

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15 Dated: 1/9/11

  
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Hon. Susan Illston  
United States District Judge

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