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11 Attorneys for Defendant
 H&R BLOCK ENTERPRISES LLC
 12 (fka H&R Block Enterprises, Inc.)

13 UNITED STATES DISTRICT COURT

14 NORTHERN DISTRICT OF CALIFORNIA

15 ARABELLA LEMUS, MALVIN A. AYALA,)
 as individuals and on behalf of all others)
 16 similarly situated,)
 17 Plaintiffs,)
 18 v.)
 19 H&R BLOCK ENTERPRISES LLC (fka H&R)
 BLOCK ENTERPRISES, INC., a Missouri)
 20 corporation; and DOES 1 through 50, inclusive,)
 21 Defendants.)
 22 _____)

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

**STIPULATION AND [PROPOSED]
 ORDER FOR CONTINUANCE
 OF HEARING ON CROSS-MOTIONS
 FOR SUMMARY JUDGMENT/
 ADJUDICATION**

23
 24 Plaintiffs Arabella Lemus and Malvin A. Ayala (“Plaintiffs”) and Defendant H&R Block
 25 Enterprises LLC (“HRB”) (collectively the “Parties”), through their respective counsel of record,
 26 hereby stipulate and seek an order that the hearing on the Parties’ Cross-Motions for Summary
 27 Judgment/ Adjudication (the “Cross-Motions”), which is currently scheduled for July 8, 2011 at
 28 9:00 a.m., be continued to August 26, 2011 at 9:00 a.m.

1 **WHEREAS**, the Parties attended a mediation session with Hunter R. Hughes on May 24,
2 2011. The mediation was unsuccessful, and the Parties determined that a second scheduled
3 mediation session with Mr. Hughes, originally set for June 27, 2011, would not likely result in
4 progress toward a resolution of this matter. The Parties subsequently agreed, however, to a
5 second mediation with Antonio Piazza, of Gregorio, Haldeman, Piazza & Rotman. Given the
6 schedules of counsel, the Parties, and Mr. Piazza, the Parties will not be able to hold the second
7 mediation session until July 20, 2011. In order to allow the Parties to focus their efforts on
8 resolving this matter, the Parties agree it is in their best interests to delay the hearing on the
9 Cross-Motions until a date after the second mediation. Counsel for HRB was informed by the
10 Court's Clerk of available hearing dates in August 2011, and the Parties are available for the
11 hearing on August 26, 2011.

12 **NOW THEREFORE**, The Parties therefore respectfully request that the Court continue
13 the hearing on the Cross-Motions to August 26, 2011 at 9:00 a.m.

14 Dated: June 29, 2011

MARLIN & SALTZMAN, LLP

15
16 By: /s/Louis M. Marlin
 Louis M. Marlin
17 Attorneys for Plaintiffs and the Class

18 Dated: June 29, 2011

MORGAN, LEWIS & BOCKIUS, LLP

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20 By: /s/Rebecca D. Eisen
 Rebecca D. Eisen
21 Attorneys for Defendant
22 H&R BLOCK ENTERPRISES LLC
(fka H&R Block Enterprises, Inc.)

23 **IT IS SO ORDERED.**

24
25 Dated: 6/30/11



26 Honorable Susan Illston
27 United States District Judge

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ECF ATTESTATION

I, Stephen L. Tausch, am the ECF User whose ID and Password are being used to file this STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF HEARING ON CROSS-MOTIONS FOR SUMMARY JUDGMENT/ADJUDICATION. In compliance with General Order 45 X.B, I hereby attest that Louis M. Marlin and Rebecca D. Eisen have concurred in this filing.

Dated: June 29, 2011

MORGAN, LEWIS & BOCKIUS LLP

By /s/ Stephen L. Tausch
Stephen L. Tausch
Attorneys for Defendant
H&R BLOCK ENTERPRISES LLC