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 6 ABM JANITORIAL SERVICES—NORTHERN
 CALIFORNIA
 7

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 EQUAL EMPLOYMENT
 OPPORTUNITY COMMISSION

11 Plaintiff,

12 v.

13 ABM INDUSTRIES INC.,

14 Defendant.
 15

Case No. CV9-4593 BZ

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE HEARING ON
 MOTION TO DISMISS**

[F.R.C.P. 12(b)(6) and 12(e)]

Present
Hearing Date: February 17, 2010
Proposed
Hearing Date: March 3, 2010
Time: 10:00 a.m.
Judge: Mag. Judge Bernard Zimmerman

Complaint Filed: September 29, 2009

1 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("Plaintiff") and ABM
2 JANITORIAL SERVICES—NORTHERN CALIFORNIA ("Defendant") allegedly erroneously sued
3 as ABM INDUSTRIES INC. by and through their respective counsel, hereby stipulate and request
4 the Court to change the Motion to Dismiss hearing to March 3, 2010 at 10:00 a.m. due to Plaintiff's
5 counsel's unavailability on February 17, 2010. The due dates for the Opposition to the Motion to
6 Dismiss and the Reply to Plaintiff's Opposition will be tied to the new hearing date.

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9 Dated: January 25, 2010

/S/

MATTHEW MARCA
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
ABM JANITORIAL SERVICES—
NORTHERN CALIFORNIA

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11
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13 Dated: January 25, 2010

/S/ Cindy O'Hara

CINDY O'HARA
Attorneys for Plaintiff
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

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16 I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS
17 ACCEPTABLE TO ALL PERSONS REQUIRED TO SIGN THIS DOCUMENT


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20 Dated: January 25, 2010

/S/

MATTHEW MARCA
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
ABM JANITORIAL SERVICES—
NORTHERN CALIFORNIA

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23 IT IS SO ORDERED:

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26 Dated: January 26, 2010, 2009



Magistrate Judge Bernard Zimmerman

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28 Firmwide:93806515.1 061021.1002