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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 EXTEND DEADLINE FOR
FILING DEFENDANT'S REPLY TO
PLAINTIFF'S OPPOSITION TO
DEFENDANT'S MOTION TO DISMISS
PLAINTIFF'S FIRST AMENDED
COMPLAINT, OR IN THE
ALTERNATIVE FOR MORE DEFINITE
STATEMENT**

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

Hearing Date: May 5, 2010
Time: 10:00 a.m.

Complaint Filed: September 29, 2009

First Amended
Complaint Filed: February 5, 2010

21 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION ("Plaintiff") and ABM
22 JANITORIAL SERVICES—NORTHERN CALIFORNIA ("Defendant") allegedly erroneously sued
23 as ABM INDUSTRIES INC. by and through their respective counsel, hereby stipulate and request
24 the Court to orders as follows:

25 WHEREAS, Plaintiff erroneously e-filed a document on March 17, 2010 which was
26 e-filed as Plaintiff EEOC's Opposition to Defendant's Motion to Dismiss Plaintiff's First Amended
27 Complaint, or in the Alternative for More Definite Statement but was in fact only the Table of
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STIPULATION AND ORDER TO EXTEND DEADLINE FOR FILING REPLY

1 Authorities to said document;

2 WHEREAS, Plaintiff filed the correct document on the morning of March 18, 2010;

3 WHEREAS, Plaintiff filed a Request for Relief Due to Erroneous Filing on March
4 18, 2010;

5 WHEREAS, Plaintiff and Defendant agree to an extension of the deadline from
6 March 24, 2010 to **March 25, 2010** for Defendant to file Defendant's Reply to Motion To Dismiss
7 Plaintiff's First Amended Complaint For Failure To State A Claim, Or, In The Alternative, Motion
8 For More Definite Statement;

9 WHEREAS, the hearing on Defendant's Motion To Dismiss Plaintiff's First
10 Amended Complaint For Failure To State A Claim, Or, In The Alternative, Motion For More
11 Definite Statement is scheduled for May 5, 2010, the first available court date;

12 WHEREAS there are no court deadlines that would be affected by an extension of the
13 deadlines to file Defendant's Reply to Motion To Dismiss Plaintiff's First Amended Complaint For
14 Failure To State A Claim, Or, In The Alternative, Motion For More Definite Statement.

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Therefore the Court HEREBY ORDERS as follows:

The last day to file Defendant's Reply to Motion To Dismiss Plaintiff's First Amended Complaint For Failure To State A Claim, Or, In The Alternative, Motion For More Definite Statement is moved from March 24, 2010 to **March 25, 2010**.

IT IS SO STIPULATED.

Dated: March 22, 2010

/s/

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

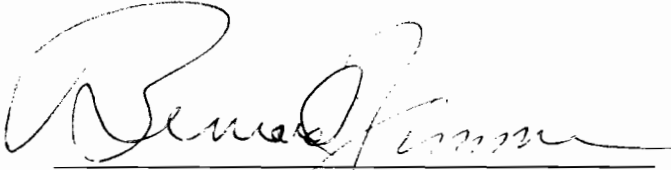
Dated: March 22, 2010

/s/ Cindy O'Hara

CINDY O'HARA
Attorneys for Plaintiff
EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION

IT IS SO ORDERED:

Dated: 23 March, 2010



Magistrate Judge Bernard Zimmerman

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