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10 [Additional Counsel Appear on Signature Page]

11 **Counsel for Plaintiff Mindy Pagsolingan**

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**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

MINDY N. PAGSOLINGAN, on Behalf of)
 Herself and All Others Similarly Situated,)
)
 Plaintiff,)
)
 v.)
)
 AMERICAN EXPRESS COMPANY and)
 AMERICAN EXPRESS CENTURION)
 BANK,)
)
 Defendants.)
 _____)

CASE NO. CV09-5039 CRB
CLASS ACTION
**STIPULATION AND [~~PROPOSED~~] ORDER
 CONTINUING INITIAL CASE
 MANAGEMENT CONFERENCE**
 DATE: February 5, 2010
 TIME: 8:30 a.m.
 CTRM: 8

1 Plaintiff Mindy N. Pagsolingan (“Plaintiff”), on Behalf of Herself and All Others Similarly
2 Situated (the purported “Class”), and defendants American Express Company and American
3 Express Centurion Bank (“Defendants”) hereby stipulate as follows:

4 WHEREAS, on October 22, 2009, Plaintiff filed her Complaint alleging, *inter alia*, that
5 Defendants violated California Civil Code §1750, *et seq.*, California Business & Professions Code
6 §17200, *et seq.*, California Business & Professions Code §17500, *et seq.*, and breached their
7 covenant of good faith and fair dealing owed to Plaintiff and the purported Class;

8 WHEREAS, this Court set an Initial Case Management Conference for February 5, 2010;

9 WHEREAS, on October 28, 2009, Plaintiff caused her Complaint to be hand-served on
10 Defendants’ Agent for Service of Process;

11 WHEREAS, on November 12, 2009, Plaintiff and Defendants entered into a Stipulation
12 Extending Time to Respond to Complaint providing Defendants until and including December 16,
13 2009, to answer or otherwise respond to Plaintiff’s Complaint;

14 WHEREAS, on November 17, 2009, this Court issued its Order granting the parties’
15 Stipulation and provided Defendants until and including December 16, 2009, to answer or
16 otherwise respond to Plaintiff’s Complaint;

17 WHEREAS, on December 16, 2009, Defendants’ filed their Motion to Compel Arbitration
18 and to Stay Action Pending Arbitration (the “Motion”), noticing the Motion for hearing on February
19 5, 2010;

20 WHEREAS, in consideration of Defendants’ Motion and in conversations with counsel for
21 Defendants, Plaintiff believes it is appropriate to file an amended complaint in this action;

22 WHEREAS, the parties agreed that it would be wasteful for Plaintiff to respond to the
23 Motion directed to the initial complaint and on February 13, 2010, submitted to this Court a
24 Stipulation and [Proposed] Order to Take Off-Calendar Defendants’ Motion [] to Allow Plaintiff to
25 file and Amended Complaint [*see* Docket No. 11];

26 WHEREAS, pursuant to the parties’ stipulation, on January 15, 2010, this Court issued an
27 Order taking Defendants’ Motion off-calendar and allowing Plaintiff to file her amended complaint
28 on or before February 16, 2010 [*see* Docket No. 12];

1 WHEREAS, pursuant to Fed. R. Civ. P. 12, Defendants' response to the amended complaint
2 must be filed on or before March 9, 2010;

3 WHEREAS, the parties agree that it would be judicially efficient for Defendants to have an
4 opportunity to review the Amended Complaint prior to this Court conducting the Initial Case
5 Management Conference;

6 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

7 That, if the Court is amenable, the Initial Case Management Conference should be
8 continued for 49 days until March 26, 2010, at 8:30 a.m., or a later date as ordered
9 by the Court.

10 IT IS SO STIPULATED.

11 Dated: February 2, 2010

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Counsel for Plaintiff Mindy Pagsoligan

Dated: February 2, 2010

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**Counsel for Defendants American
Express Company and American
Express Centurion Bank**

I, Patrice L. Bishop, am the ECF User whose ID and password are being used to file this
Stipulation and [Proposed] Order Continuing Case Management Conference. In compliance with
General Order 45, X.B., I hereby attest that William J. Goines has concurred in this filing.

By: s/Patrice L. Bishop
Patrice L. Bishop

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[PROPOSED] ORDER

Pursuant to the stipulation of the parties, and for good cause shown, IT IS HEREBY
ORDERED THAT:

The Initial Case Management Conference is continued from February 5, 2010, until
March 26, 2010, at 8:30 a.m.

IT IS SO ORDERED.

Dated: February 4, 2010

