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6 Attorneys for Defendants
 PAYLESS SHOESOURCE, INC.,
 7 COLLECTIVE BRANDS, INC, and
 VOICE-MAIL BROADCASTING CORPORATION
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9
 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA

12 MOHAMMAD KAZEMI, individually and on)
 behalf of a class of similarly situated)
 13 individuals,)

14 Plaintiff,)

15 v.)

16 PAYLESS SHOESOURCE, INC., a Missouri)
 corporation, COLLECTIVE BRANDS, INC., a)
 17 Delaware corporation, and VOICE-MAIL)
 BROADCASTING CORPORATION d/b/a)
 18 VOICE & MOBILE BROADCAST)
 CORPORATION a/k/a VMBC,)

19 Defendants.)
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) CASE NO. CV09-5142 MHP
) CLASS ACTION
) The Hon. Marilyn Hall Patel
) Dept.: 15

) ~~PROPOSED~~ ORDER GRANTING EX
) PARTE MOTION FOR LEAVE OF COURT
) TO FILE MOTION TO DISMISS, OR
) ALTERNATIVELY SHORTENING TIME
) FOR HEARING ON MOTION FOR LEAVE
) OF COURT TO FILE MOTION TO
) DISMISS

) Date: December 21, 2009
) Time: 900 a.m.
) Ctrm.: 15

TRIAL DATE: None Set

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 23 Motion having been made by defendants PAYLESS SHOESOURCE, INC., COLLECTIVE
 24 BRANDS, INC., and VOICE-MAIL BROADCASTING CORPORATION d/b/a VOICE &
 25 MOBILE BROADCAST CORPORATION a/k/a VMBC (hereinafter "Defendants") for an order
 26 granting leave of court to file a motion to dismiss, with proof having been made to the satisfaction
 27 of the Court, and good cause appearing therefor

28 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** as follows:

4845-6056-4997.1

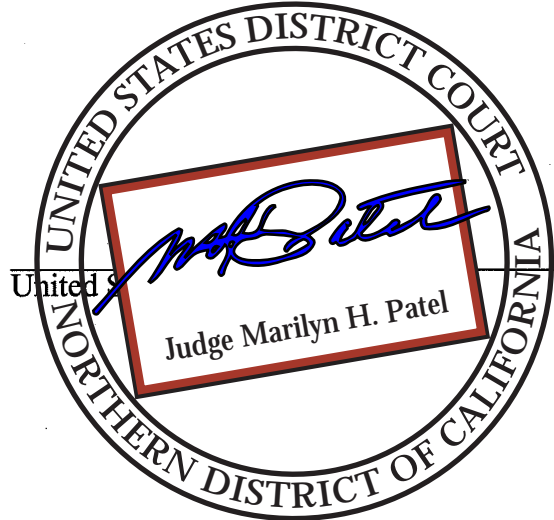
[PROPOSED] ORDER GRANTING EX PARTE MOTION FOR LEAVE OF COURT TO FILE MOTION TO DISMISS

1 1. Defendants are granted leave of Court to file a motion to dismiss prior to the scheduled
2 Case Management Conference set for February 22, 2010.

3 2. The [proposed] motion to dismiss is deemed filed by this Court as of the date of this
4 Order. Plaintiffs' opposition shall be filed on or before February 8, 2010, defendants' reply shall
5 be filed on or before February 15, 2010. A hearing is set down in this matter on March 8,
6 2010 at 2:00 p.m.

7 **IT IS SO ORDERED.**

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9 DATED: 01/15/10



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14 **OR ALTERNATIVELY,**

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17 On December ____, 2009 at the hour of ____, the *ex parte* motion of Defendants
18 PAYLESS SHOESOURCE, INC., COLLECTIVE BRANDS, INC., and VOICE-MAIL
19 BROADCASTING CORPORATION d/b/a VOICE & MOBILE BROADCAST CORPORATION
20 a/k/a VMBC (hereinafter "Defendants") for an order shortening time for hearing on Defendants'
21 motion for leave of court to file a motion to dismiss came on for consideration before this honorable
22 Court.

23 After considering the papers filed with the Court and the Court file in this matter, the Court
24 finds as follows:

25 Defendants' *ex parte* motion for an order shortening time is GRANTED. The hearing on
26 Defendant's Motion for leave of Court to file a motion to dismiss will occur on _____
27 at _____ in Department ____ of this Court.

28 The moving papers shall be served and filed on or before _____.

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Opposition papers shall be served and filed by the close of business on _____.

Defendants' reply brief shall be served and filed by the close of business on _____.

Defendants' are granted ten (10) days from this date of this Order to file an alternative responsive pleading in lieu of the stipulated December 14, 2009 deadline.

IT IS SO ORDERED.

DATED: _____

United States District Court Judge