

1 LAW OFFICE OF MEGAN DAILEY
Megan Dailey (State Bar No. 221574)
2 1300 Clay Street, Suite #600
3 Oakland, CA 94612
Telephone: (510) 622-7744
4 Facsimile: (510) 622-7745
E-Mail: megan.dailey@sbcglobal.net

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6 STROOCK & STROOCK & LAVAN LLP
JULIA B. STRICKLAND (State Bar No. 083013)
7 MARCOS D. SASSO (State Bar No. 228905)
2029 Century Park East
8 Los Angeles, CA 90067-3086
Telephone: 310-556-5800
9 Facsimile: 310-556-5959
E-Mail: lacalendar@stroock.com

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11 Attorneys for Defendants
12 CITIBANK (SOUTH DAKOTA), N.A., erroneously
sued as SEARS GOLD MASTERCARD, and
13 CITICORP CREDIT SERVICES, INC. (USA)

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

17 RICHARD ZEVALLOS, an individual,)
18 SULMA YUDI ZEVALLOS, an)
individual,)
19)
20 Plaintiffs,)
21 vs.)
22 CITIBANK (SOUTH DAKOTA), N.A.,)
CITICORP CREDIT SERVICES, INC.)
23 (USA), SEARS GOLD MASTERCARD,)
24 Defendants.)

Case No. C09-05334 CRB
STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE
DATE
Case Management Conference Date:
May 7, 2010
Proposed Date:
June 25, 2010
Action Filed: November 12, 2009

1 WHEREAS, the Initial Case Management Conference currently is scheduled
2 in this matter for May 7, 2010 and a Joint Case Management Conference Statement
3 must be filed by April 30, 2010.

4 WHEREAS, defendants Citibank (South Dakota), N.A., (erroneously sued as
5 "Sears Gold Mastercard") and Citicorp Credit Services, Inc. (USA) (together, the
6 "Defendants") have filed, pursuant to Rule 12(b)(6) of the Federal Rules of Civil
7 Procedure, a Motion to Dismiss (the "Motion") the Complaint filed by plaintiffs
8 Richard Zevallos and Sulma Yudi Zevallos, and the Motion is scheduled to be heard
9 June 11, 2010.

10 WHEREAS, the parties, through their counsel of record, have been engaged in
11 settlement discussions and agree that a continuance of the Initial Case Management
12 Conference and all corresponding dates, including the date to file the Joint Case
13 Management Conference Statement, as well as the ADR Certification, could
14 facilitate the potential resolution of this matter.

15 WHEREAS, the parties (through their counsel) also agree that it is in the
16 interest of judicial economy and efficiency to continue the Initial Case Management
17 Conference and the date to file the Joint Case Management Conference Statement
18 until after the Motion is fully briefed and heard (in the event the matter is not
19 otherwise resolved through settlement) to allow the Court time to rule upon the
20 Motion.

21 WHEREAS, the parties agree that in light of the parties' ongoing settlement
22 discussions and the Defendants' pending Motion, the Initial Case Management
23 Conference is premature and a continuance of the Initial Case Management
24 Conference and the date to file the ADR Certification is appropriate.

25 WHEREAS, this request to continue the Initial Case Management Conference,
26 the date to file the Joint Case Management Conference Statement and the date to file
27 the ADR Certification is not made for purposes of delay.

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1 IT IS HEREBY STIPULATED, and respectfully requested by and between
2 Plaintiffs and Defendants, through their respective counsel of record, and subject to
3 the Court's approval, that the Initial Case Management Conference and the date to
4 file the Joint Case Management Conference Statement be continued from May 7,
5 2010 to June 25, 2010, or other date after the June 11, 2010 hearing on Defendants'
6 Motion convenient for the Court, and that the parties shall file the Joint Initial Case
7 Management Statement, as well as the ADR Certification, not less than seven days
8 prior to the date set by the Court for the continued Initial Case Management
9 Conference.

10
11 Dated: April 22, 2010

LAW OFFICE OF MEGAN DAILEY

12 By: /s/ Megan Dailey
13 Megan Dailey

14 Attorneys for Plaintiffs
15 Richard Zevallos and Sulma Yudi
16 Zevallos

17 Dated: April 22, 2010

STROOCK & STROOCK & LAVAN LLP
18 JULIA B. STRICKLAND
19 MARCOS D. SASSO

20 By: /s/ Marcos D. Sasso
21 Marcos D. Sasso

22 Attorneys for Defendants
23 CITIBANK (SOUTH DAKOTA), N.A,
24 erroneously sued as SEARS GOLD
25 MASTERCARD, and CITICORP
26 CREDIT SERVICES, INC. (USA)
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[PROPOSED] ORDER

Having reviewed and considered the parties' stipulation, **IT IS HEREBY ORDERED** that the Initial Case Management Conference shall be continued from May 7, 2010 to June 25, 2010 at 8:30 a.m. in Courtroom 8, on the 19th Floor, U.S. District Courthouse, 450 Golden Gate Ave., San Francisco, CA 94102, and the parties shall file the Joint Initial Case Management Statement, as well as the ADR Certification, not less than seven days prior to the date of the continued Initial Case Management Conference.

IT IS SO ORDERED.

Dated: April 26, 2010

