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6 *Attorneys for Defendant*
Accretive, LLC

8 **IN THE UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**

10 KENYA BODDIE AND RAMONDA CARLOS,)
 individually and on behalf of others similarly)
 11 situated,)

12 Plaintiffs,)

13 v.)

14 AXIANT, LLC; ACCRETIVE, LLC; MANN)
 BRACKEN, LLP, and DOES 1 through 25,)
 15 inclusive,)

16 Defendants.)

CASE NO.: CV-09-5553 (CRB)

**STIPULATION AND ~~PROPOSED~~
 ORDER RE: MODIFICATION OF THE
 CASE MANAGEMENT CONFERENCE
 DATE AND DEADLINE TO FILE
 STIPULATION TO ADR PROCESS**

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 18 WHEREAS, on November 20, 2009, Defendant Axiant, LLC (“Axiant”) filed for chapter 11
 19 bankruptcy;

20 WHEREAS, on November 23, 2009, Plaintiffs filed a complaint against Axiant alleging that
 21 Axiant violated the Worker Adjustment and Retraining Notification Act (the “WARN Act”);

22 WHEREAS, on November 23, 2009, the Court ordered that a case management conference
 23 in this matter be held on March 5, 2010, at 8:30 a.m.;

24 WHEREAS, on December 7, 2009, Plaintiffs filed an amended complaint naming Accretive,
 25 LLC (“Accretive”) and Mann Bracken, LLP (“Mann Bracken”) as defendants and seeking to hold

1 them liable for the lack of WARN Act notice provided by the original defendant and Chapter 11
2 Debtor, Axiant;

3 WHEREAS, on January 29, 2010 Accretive filed a motion to dismiss Plaintiffs' complaint
4 and a hearing date of March 19, 2010 had been set for argument on Accretive's motion to dismiss;

5 WHEREAS, on February 24, 2010 Plaintiffs and Accretive filed a Stipulation and [Proposed]
6 Order re: Modification of the Case Management Conference Date and Deadline to File Stipulation to
7 ADR Process;

8 WHEREAS, on February 25, 2010 the Court entered the Order modifying the case
9 management conference date and deadline to file a stipulation to ADR process or notice of need for
10 ADR phone conference to April 9, 2010;

11 WHEREAS, on March 4, 2010 Cheryl E. Rose, Esquire, filed a Notice of Case in
12 Receivership on behalf of Mann Bracken. The case is now pending in the Circuit Court for
13 Montgomery County, Maryland;

14 WHEREAS, on March 5, 2010 the Plaintiffs and Accretive filed their Joint Case
15 Management Statement;

16 WHEREAS, on March 19, 2010 the Court granted Accretive's motion to dismiss the first
17 amended complaint with leave to amend the complaint within 20 days;

18 WHEREAS, on March 25, 2010 Plaintiffs filed their Second Amended Complaint alleging
19 violations of the Worker Adjustment and Retraining Notification Act (the "WARN Act");

20 WHEREAS, Accretive will shortly file a motion to dismiss the Second Amended Complaint
21 and it is feasible to set a date to hear argument on Accretive's planned motion to dismiss prior to
22 June 4, 2010;

23 WHEREAS, Accretive and Plaintiffs have conferred and agree that it would be premature
24 and not otherwise fruitful to engage in an ADR process or hold a case management conference prior
25 to this Court ruling on Accretive's motion to dismiss the Second Amended Complaint; and

26 **IT IS HEREBY STIPULATED** by the parties, by and through their undersigned counsel,
27 that:

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- (1) The case management conference previously scheduled for April 9, 2010, at 8:30 a.m., is adjourned to June 4, 2010, at 8:30 a.m.
- (2) The deadline to file a Stipulation to ADR Process or Notice of Need for ADR Phone Conference, is adjourned to June 4, 2010.

Dated: April 6, 2010

DEWEY & LEBOEUF LLP

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Attorneys for Defendant Accretive, LLC

Dated: April 6, 2010

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Attorneys for Plaintiffs Kenya Boddie and Ramonda Carlos

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 6, 2010



