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13 ***Attorneys for Plaintiff and the Class***

14 UNITED STATES DISTRICT COURT

15 NORTHERN DISTRICT OF CALIFORNIA

17 JAMES THOMAS, on behalf of himself and all
 those similarly situated,

18 Plaintiff,

19 v.

20 ROBERT N. DEBENEDICTIS, *et al.*

21 Defendants.

Case No. C09-05664 MHP

Class Action

**STIPULATION AND ~~[PROPOSED]~~ ORDER
 RE: BRIEFING SCHEDULE**

1 **STIPULATION**

2 WHEREAS, the parties previously stipulated that defendants Paul Galluccio, 543 Breakers,
3 LLC - Windamar Beach Resort, 533 Orton, LLC - Windamar Beach Club, 505 Orton, LLC -
4 Rainbow Beach Resort, 1215, LLC - Rooftop Beach House Hotel, Lorelei Property Management
5 Group, LLC - Lorelei Motel will file their motion to dismiss for lack of personal jurisdiction on
6 April 1, 2010;

7 WHEREAS, defendants Paul Galluccio, 543 Breakers, LLC - Windamar Beach Resort, 533
8 Orton, LLC - Windamar Beach Club, 505 Orton, LLC - Rainbow Beach Resort, 1215, LLC -
9 Rooftop Beach House Hotel, Lorelei Property Management Group, LLC - Lorelei Motel filed a
10 motion for protective order to prevent or defer the deposition of Charles B. Shields, Jr. on March 8,
11 2010; and

12 WHEREAS, the parties engaged in a productive mediation before Judge Nicholas Politan
13 (Ret.) on March 15, 2010 and are continuing to work in good faith toward the potential settlement
14 of this matter.

15 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by plaintiff James
16 Thomas and defendants as follows:

17 1. The deadline for defendants Paul Galluccio, 543 Breakers, LLC - Windamar Beach
18 Resort, 533 Orton, LLC - Windamar Beach Club, 505 Orton, LLC - Rainbow Beach Resort, 1215,
19 LLC - Rooftop Beach House Hotel, Lorelei Property Management Group, LLC - Lorelei Motel to
20 file their motion to dismiss for lack of personal jurisdiction shall be continued from April 1, 2010
21 to April 8, 2010.

22 2. The deadline for plaintiff to respond to the motion for protective order of
23 defendants Paul Galluccio, 543 Breakers, LLC - Windamar Beach Resort, 533 Orton, LLC -
24 Windamar Beach Club, 505 Orton, LLC- Rainbow Beach Resort, 1215, LLC - Rooftop Beach
25 House Hotel, Lorelei Property Management Group, LLC - Lorelei Motel shall be continued from
26 April 5, 2010 to April 12, 2010.

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Dated: March 31, 2010

BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP
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L. Timothy Fisher (State Bar No. 191626)
2125 Oak Grove Road, Suite 120
Walnut Creek, CA 94598

By: _____ /s/
L. Timothy Fisher

Counsel for Plaintiff James Thomas

Dated: March 31, 2010

DUANE MORRIS LLP
Richard L. Seabolt (State Bar No. 067469)
Oliver Benn (State Bar No. 244618)
One Market Plaza
Spear Tower, Suite 2200
San Francisco, CA 94105

By: _____ /s/
Richard L. Seabolt

Counsel for Defendants Paul Galluccio, 543 Breakers, LLC -
Windamar Beach Resort, 533 Orton, LLC - Windamar Beach
Club, 505 Orton, LLC - Rainbow Beach Resort, 1215, LLC -
Rooftop Beach House Hotel, Lorelei Property Management
Group, LLC - Lorelei Motel

Attestation Pursuant To General Order 45

I, L. Timothy Fisher, attest that concurrence in the filing of this document has been
obtained from the other signatories. I declare under penalty of perjury under the laws of the United
States that the foregoing is true and correct. Executed this 31st day of March, 2010 at Walnut
Creek, California.

_____/s/ L. Timothy Fisher

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ORDER

Pursuant to the parties' stipulation, IT IS SO ORDERED.

Dated: 4/1/2010

THE HONORABLE MARYLYN H. PATEL
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

