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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 8, 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 29, 2010  
21 to May 13, 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 May 3, 2010 to May 17, 2010.

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Dated: April 30, 2010

BRAMSON, PLUTZIK, MAHLER & BIRKHAUSER, LLP  
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2125 Oak Grove Road, Suite 120  
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By: \_\_\_\_\_ /s/  
L. Timothy Fisher

Counsel for Plaintiff James Thomas

Dated: April 30, 2010

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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 30<sup>th</sup> day of April, 2010 at Walnut Creek,  
California.

\_\_\_\_\_/s/ L. Timothy Fisher

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**ORDER**

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

Dated: 5/3/2010

THE HONORABLE  
UNITED STATES

