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19 **IN THE UNITED STATES DISTRICT COURT**
 20 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

21 JOSEPH ROLING and ALEXANDER
 22 LANDVATER, individually and on behalf of
 23 all others similarly situated,

24 Plaintiffs,

25 v.

26 E*TRADE SECURITIES LLC, a Delaware
 27 limited liability company, and DOES 1-50,
 28 inclusive,

Defendants.

Case No.: 3:10-cv-00488-EMC

The Honorable Edward M. Chen

**STIPULATION TO EXTEND DISCOVERY
 DEADLINES**

1 Plaintiffs Joseph Roling and Alexander Landvater (collectively “Plaintiffs”), and
2 Defendant E*TRADE Securities, LLC (“E*TRADE”) (Plaintiffs and E*TRADE are collectively
3 referred to as the “Parties”), pursuant to Fed. R. Civ. P. 6 and L.R. 7-12, hereby stipulate and
4 agree to extend the class discovery deadline by sixty (60) days, and modify the Discovery Plan.
5 (Dkt. No. 69.) In support of their Stipulation, the Parties state as follows:

6 1. Plaintiffs Joseph Roling and Alexander Landvater filed this putative class action
7 lawsuit against E*Trade Securities LLC on February 3, 2010. (Dkt. No. 1.)

8 2. As set forth in the Revised Discovery Plan, which was approved by the Court on
9 February 2, 2011, discovery in this matter has been bifurcated into class and merits phases, with
10 class discovery closing on November 1, 2011. (Dkt. No. 69.)

11 3. Good cause exists to extend the class discovery period by sixty (60) days. This
12 case concerns a putative class that is potentially comprised of millions customers. As such, the
13 Parties have exchanged thousands of documents relating to customer contracts and agreements
14 dating back to 2001, and are still in the process of producing relevant documents. Additionally,
15 several depositions still need to be taken, and Plaintiffs just received on Friday, October 14, firm
16 dates for certain Rule 30(b)(6) witnesses of E*Trade.

17 4. Extending the discovery cut-off date by sixty (60) days will allow the Parties to
18 finish taking depositions, and also to issue any follow up discovery that may be necessary after
19 the depositions have been taken.

20 5. The district court is given broad discretion in supervising the pretrial phase of
21 litigation.” *Zivkovic v. Southern California Edison Co.*, 302 F.3d 1080, 1087 (9th Cir. 2002). The
22 court may modify the discovery deadline only for good cause. Fed. R. Civ. P. 16(b)(4); *Zivkovic*,
23 302 F.3d at 1087. Good cause to extend a deadline exists when the deadline “cannot reasonably
24 be met despite the diligence of the party seeking the extension.” Fed. R. Civ. P 16 Advisory
25 Comm. Notes (1983 Am.); *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 607 (9th Cir.
26 1992).

27 6. The Parties have been diligently engaged in discovery in this matter, and the

1 requested extension will not prejudice either party. The Parties do not anticipate any future
2 extensions or modification of the Discovery Plan currently in place.

3 7. This Stipulation, and the requested extension sought herein, is not brought for the
4 purposes of delay.

5 NOW THEREFORE, the Parties hereby, STIPULATE and AGREE, subject to Court
6 approval, that the Court extend the class discovery deadline by sixty (60) days, and modify the
7 Discovery Plan as follows:

- | | | | |
|----|----|--|--|
| 8 | a. | First Phase Discovery Cutoff: | January 3, 2012 |
| 9 | b. | Plaintiffs' Supplemental Motion
for Class Certification: | February 17, 2012 |
| 10 | | | |
| 11 | c. | Defendant's Opposition to Plaintiffs'
Motion for Class Certification: | March 30, 2012 |
| 12 | | | |
| 13 | d. | Plaintiffs' Reply In Support of their
Motion for Class Certification: | April 20, 2012 |
| 14 | | | |
| 15 | e. | Hearing on the Motion for Class Certification: | May 4, 2012 |
| 16 | f. | Second Phase Discovery Cutoff: | August 7, 2012 or 3 months
following ruling on Class Cert.,
whichever is later |
| 17 | | | |
| 18 | g. | Deadline for Dispositive Motions: | October 8, 2012 or 60 days
following close of merits
discovery, whichever is later |
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Respectfully submitted,

Dated: October 18, 2011

JOSEPH ROLING and ALEXANDER
LANDVATER, individually and on behalf
of a class of similarly situated individuals,

By: /s/ Rafey S. Balabanian
One of Plaintiffs' attorneys

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Dated: October 18, 2011

E*TRADE SECURITIES, LLC,

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PURSUANT TO STIPULATION, IT IS SO ORDERED:

Dated: 10/18/2011

HONORABLE
UNITED STATES

