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19 **UNITED STATES DISTRICT COURT**  
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 MEGAN LABRADOR, individually and on  
 22 behalf of all others similarly situated,

23 Plaintiff,

24 v.

25 DIESEL U.S.A., INC., a New York Corporation

26 Defendant.  
 27

Case No. CV-11-0014 (CRB)

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE CASE  
 MANAGEMENT CONFERENCE**

**Hon. Charles R. Breyer**

1 Plaintiff Megan Labrador (“Plaintiff”) and Defendant Diesel U.S.A., Inc. (“Defendant”),  
2 by and through their undersigned counsel, hereby stipulate and agree as follows:

3 WHEREAS, this case was originally filed in California state court but removed to this  
4 Court on January 3, 2011;

5 WHEREAS, Plaintiff has recently retained Kerr & Wagstaffe LLP to serve as co-counsel  
6 for Plaintiff in this putative class action;

7 WHEREAS, Plaintiff intends to file an amended complaint, in part to address issues  
8 raised by Defendant during the initial meet and confer;

9 WHEREAS, the parties are currently discussing whether Defendant will stipulate to such  
10 amendment;

11 WHEREAS, if Defendant does not agree to such a stipulation, Plaintiff intends to seek  
12 leave to do so by noticed motion, and Defendant reserves the right to oppose any such motion;

13 WHEREAS, the Initial Case Management Conference is currently set for Friday, May 6,  
14 2011 at 8:30 a.m.

15 WHEREAS, the parties agree that it would be more efficient for them and the Court to  
16 conduct a Case Management Conference after the anticipated amendment, and that Kerr &  
17 Wagstaffe LLP will need a few weeks to finish meeting and conferring with Defendant’s counsel  
18 concerning the Case Management Conference topics as required under the rules and the Court’s  
19 standing order;

20 WHEREAS, the parties agree that, pursuant to Fed. R. Civ. Proc. 26(d)(1), neither party  
21 will seek discovery from any source until the parties have met and conferred regarding the  
22 allegations of Plaintiff’s anticipated amendment.

23 THEREFORE, the Parties hereby submit this Stipulated Request for an Order Continuing  
24 the Case Management Conference to June 17, 2011, or to another date or time thereafter and  
25 convenient to the Court’s calendar. The Parties also request that the deadlines to meet and  
26 confer in advance of the conference and to file a joint case management statement be continued  
27 according to the date of the continued case management conference and the Court’s Order  
28 Setting Case Management Conference, dated March 8, 2011.

