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24	EXAMINERS			
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COOLEY LLP ATTORNEYS AT LAW PALO ALTO	947229 v1/HN		1.	STIP. AND [PROP.] ORDER SEEKING CONTINUANCE, CV11-00199 SI

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

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TIMOTHY ELDER,

V.

CALIFORNIA.

Plaintiff,

NATIONAL CONFERENCE OF BAR EXAMINERS AND STATE BAR OF

Defendants.

Case No. CV11-00199 SI

STIPULATION AND [PROPOSED] ORDER FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE; CONTINUANCE OF HEARING ON MOTION TO DISMISS AND MOTION FOR ATTORNEYS' FEES; AND REVISED BRIEFING **SCHEDULE**

Date: Time: July 8, 2011 9:00 a.m.

Courtroom: 10

Judge:

Honorable Susan Illston

Date: Time: July 12, 2011 2:30 p.m.

Courtroom: 10

Judge:

Honorable Susan Illston

Plaintiff TIMOTHY ELDER and Defendant NATIONAL CONFERENCE OF BAR EXAMINERS ("NCBE") (hereafter "the parties"), pursuant to Local Rules 7-7, 7-12 and 16-10. jointly request that the Court continue the following, for the reasons set forth below: (1) the Case Management Conference currently set for July 12, 2011 at 2:30 p.m.; (2) the hearing on Defendant NCBE's Motion to Dismiss currently set for July 8, 2011 at 9:00 a.m.; and (3) the hearing on Plaintiff Timothy Elder's Motion for Reasonable Attorneys' Fees and Costs ("Motion for Attorneys' Fees) currently set for July 8, 2011 at 9:00 a.m. The parties jointly request that the Case Management Conference and two hearings be consolidated and continued until July 29, 2011. The parties further jointly request that the Court grant an amended briefing schedule on the Motion to Dismiss and Motion for Attorneys' Fees as set forth in the parties' stipulation. Defendant State Bar of California (the "State Bar") does not join this request because on February 16, 2011, this Court stayed the action with respect to the State Bar "obviating the need for the State Bar to proceed with case management and discovery obligations, as well as any additional motions practice, until further order of the Court." (Dkt. No. 52.)

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STIPULATION

WHEREAS, Mr. Elder filed this action in the United States District Court, Northern District of California, on January 13, 2011;

WHEREAS, after conferring by telephone and email, the parties executed and filed a Supplemental Joint Case Management Statement on May 17, 2011;

WHEREAS, NCBE filed a Motion to Dismiss on May 19, 2011 in which it seeks to dissolve the bond and have this case dismissed as moot, which Mr. Elder intends to oppose;

WHEREAS; Mr. Elder filed a Motion for Attorneys' Fees on June 3, 2011, which NCBE intends to oppose;

WHEREAS, under the terms of the Supplemental Joint Case Management Statement, the parties agreed to a stay of all discovery in this case pending the Court's ruling on NCBE's Motion to Dismiss and Mr. Elder's Motion for Attorneys' Fees;

WHEREAS, the parties believe that continuing the Case Management Conference, currently set for July 12, 2011, to July 29, 2011, would assist in obtaining an efficient and orderly disposition of the action and would help resolve scheduling conflicts;

WHEREAS, the parties believe that continuing the hearing on the Motion to Dismiss and Motion for Attorneys' fees, currently set for July 8, 2011, to July 29, 2011, would assist in obtaining an efficient and orderly disposition of the action and would help resolve scheduling conflicts;

WHEREAS, the parties believe that the following briefing schedule on the Motion to Dismiss and Motion for Attorneys' fees would assist in obtaining an efficient and orderly disposition of the action and would help resolve scheduling conflicts:

- All opposition papers to be filed and served no later than Friday July 8, 2011, which is 21 days before the continued hearing date;
- All reply papers to be filed and served no later than Friday July 15, 2011, which
 is 14 days before the continued hearing date.

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COOLEY LLP
ATTORNEYS AT LAW
PALO ALTO

4. 947229 v1/HN

STIP. AND [PROP.] ORDER SEEKING CONTINUANCE, CV11-00199 SI