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7 Attorneys for Defendant  
 8 SLM CORPORATION

9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

|    |  |   |  |
|----|--|---|--|
| 11 | TINA M. UBALDI, on behalf of herself and all | ) | Case No. 3:11-cv-01320 EDL                 |
| 12 | others similarly situated,                   | ) |  |
| 13 | Plaintiff,                                   | ) | AMENDED                                    |
| 14 | v.   | ) | <b>STIPULATION AND <del>PROPOSED</del></b> |
| 15 | SLM CORPORATION, d/b/a SALLIE MAE,           | ) | <b>ORDER CONTINUING CASE</b>               |
| 16 | INC., d/b/a/ SALLIE MAE SERVICING, a         | ) | <b>MANAGEMENT CONFERENCE AND</b>           |
| 17 | Delaware corporation,                        | ) | <b>SUBMISSION OF JOINT CASE</b>            |
| 18 | Defendant.                                   | ) | <b>MANAGEMENT STATEMENT</b>                |
| 19 |  | ) | [Local Rule 6-1(a)]                        |
| 20 |  | ) | [Declaration of David W. Moon filed        |
|    |  | ) | concurrently]                              |

21 WHEREAS, on October 7, 2011, Defendant SLM Corporation filed a Motion to Dismiss  
 22 Plaintiff's First Amended Complaint for failure to state a claim pursuant to Fed. R. Civ. P.  
 23 12(b)(6), which is currently set for hearing on December 13, 2011;

24 WHEREAS, a Case Management Conference is currently set for November 22, 2011;

25 WHEREAS, the parties are required to comply with the requirements of Rule 26(a)(1) and  
 26 file their Rule 26(f) Report and Joint Case Management Statement on or before November 15,  
 27 2011;

1 WHEREAS, there has been one prior continuance of the Case Management Conference and  
2 the parties' submission of their Joint Case Management Statement (Doc. No. 32);

3 WHEREAS, there have been three other prior extensions of time, once granting Defendant  
4 additional time to respond to Plaintiff's Complaint (Doc. 8) and twice continuing the hearing on  
5 Defendant's motion to dismiss and granting the parties additional time to file responsive and reply  
6 briefs (Doc. Nos. 22 and 32);

7 WHEREAS, this Stipulation is made in good faith and not for purposes of delay; and

8 WHEREAS, good cause exists for the foregoing modifications to the case schedule because  
9 it would promote judicial efficiency to stay discovery and to continue the Case Management  
10 Conference and the parties' submission of their Joint Case Management Statement until after the  
11 hearing on the pending Motion to Dismiss.

12 IT IS HEREBY STIPULATED by and between the parties, through their respective counsel  
13 of record, as follows:

14 (a) The Case Management Conference set for November 22, 2011 shall be  
15 continued to January 31, 2012 at <sup>10:00 a.m.</sup>~~3:00 p.m.~~ in Courtroom E;

16 (b) The parties shall comply with the requirements of Rule 26(a)(1) and file their  
17 Rule 26(f) Report and Joint Case Management Statement within thirty days after the Court rules on  
18 the Motion to Dismiss, unless the Motion to Dismiss is granted.

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Dated: November 9, 2011

STROOCK & STROOCK & LAVAN LLP  
JULIA B. STRICKLAND  
LISA M. SIMONETTI  
DAVID W. MOON

By: /s/ David W. Moon  
David W. Moon

Attorneys for Defendant  
SLM CORPORATION

Dated: November 9, 2011

LAW OFFICES OF JANET LINDNER  
SPIELBERG  
JANET LINDNER SPIELBERG

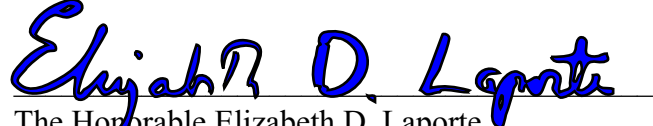
By: /s/ Janet Lindner Spielberg  
Janet Lindner Spielberg

Attorneys for Plaintiff  
TINA M. UBALDI

~~PROPOSED~~ ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED. The Case Management Conference is continued to January 31, 2012 at 10:00 a.m.

Dated: November 14, 2011

  
The Honorable Elizabeth D. Laporte

CERTIFICATION

I hereby certify that, on November 9, 2011, copies of the foregoing **STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE AND SUBMISSION OF JOINT CASE MANAGEMENT STATEMENT** were filed electronically and served by U.S. Mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by facsimile to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System.

By:           /s/ David W. Moon            
David W. Moon