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5 Attorneys for Defendant  
 6 OLAN MILLS, INC.

7  
 8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

10	ARIEL J. FULCHER, an individual, on	)	Case No.: <u>3:11-cv-01821-EDL</u>
	behalf of himself and all persons similarly	)	(Class Action)
11	situated,	)	
		)	<b>JOINT STIPULATION OF THE PARTIES</b>
12	Plaintiff,	)	<b>TO EXTEND DISCOVERY AND CASE</b>
		)	<b>MANAGEMENT DEADLINES</b>
13	v.	)	<b>AS MODIFIED</b>
		)	Mag. Judge: Hon. Elizabeth D. Laporte
14	OLAN MILLS, INC.; and Does I through	)	
15	50,	)	
		)	
16	Defendants.	)	

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18 Defendant OLAN MILLS, INC. (“Olan Mills”) and Plaintiffs (ARIEL J. FULCHER, et  
 19 al.), respectfully request an order extending deadlines in the Court’s April 14, 2011, case  
 20 management order (*See* Docket No. 2) by sixty (60) days.

22 Defendant’s counsel has conferred with Plaintiffs’ counsel, who has no objection to the  
 23 Court entering an order thereon, as evidenced by the Plaintiff’s electronic signature herein.

24 In support of their stipulation to extend the deadlines, and pursuant to Civil L.R. 6-2,  
 25 Defendant files herewith the declaration of Jennifer B. Robinson, attorney for Olan Mills.

1           WHEREFORE, Defendant and Plaintiffs respectfully request that the deadlines be  
2 extended by sixty (60) days as follows:

3           Last day to meet and confer re: initial disclosures, early settlement, ADR process  
4 selection, and discovery plan shall be changed from July 5, 2011 to September 2, 2011;

5           Last day to file ADR Certification signed by Parties and Counsel shall be changed from  
6 July 5, 2011 to September 2, 2011;

7           Last day to file either Stipulation to ADR Process or Notice of Need for ADR Phone  
8 Conference shall be changed from July 5, 2011 to September 2, 2011;

9           Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule  
10 26(f) Report and file Case Management Statement shall be changed from July 19, 2011 to  
11 September 16, 2011;

12           INITIAL CASE MANAGEMENT CONFERENCE shall be changed from July 26, 2011  
13 to September 23, 2011, or as soon thereafter as the Court has availability.  
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Respectfully submitted,

LITTLER MENDELSON, P.C.

DATED: June 29, 2011

By: s/ Jennifer B. Robinson  
JENNIFER B. ROBINSON  
Attorneys for Defendant,  
OLAN MILLS, INC.

BLUMENTAHL NORDREHAUG &  
BHOWMIK

DATED: June 29, 2011

By: s/ Kyle Nordrehaug  
Norman Blumenthal  
Kyle Nordrehaug  
Aparajit Bhomik  
Ruchira Piya Mukherjee  
Attorneys for Plaintiffs,  
ARIEL FULCHER, et al.

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6 Attorneys for Defendant  
OLAN MILLS, INC.  
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8 **UNITED STATES DISTRICT COURT**  
9 **NORTHERN DISTRICT OF CALIFORNIA**

10 ARIEL J. FULCHER, an individual, on ) Case No.: 3:11-cv-01821-EDL  
behalf of himself and all persons similarly ) (Class Action)  
11 situated, )  
 )  
12 Plaintiff, )  
 )  
13 v. ) DECLARATION OF JENNIFER B.  
 ) ROBINSON IN SUPPORT OF PARTIES'  
 ) JOINT STIPULATION TO EXTEND  
14 ) DISCOVERY AND CASE MANAGEMENT  
OLAN MILLS, INC.; and Does I through ) DEADLINES  
15 50, )  
 ) Mag. Judge: Hon. Elizabeth D. Laporte  
16 Defendants. )  
 )

17 \_\_\_\_\_  
18 I, the undersigned, certify and declare as follows:

19 1. I am an attorney with Littler Mendelson, P.C., attorneys of record for Defendant,  
20 Olan Mills, Inc. ("Olan Mills") in this action, and I have personal knowledge of the facts stated  
21 herein. If necessary, I could and would testify truthfully to the facts stated herein.  
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23 2. The complaint in this matter was originally filed in the Superior Court of  
24 California for the County of Alameda on February 22, 2011, and served on Defendant through its  
25 registered agent for service of process on March 17, 2011. (See Docket 3).

26 3. On April 14, 2011, Defendants removed the complaint to this Court. (See Docket  
27 Nos. 1, 3, 4).  
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1           4.       On June 3, 2011, the parties entered into a stipulation to allow Plaintiffs to file a  
2 First Amended Complaint, which was ordered by the Court on June 6, 2011. (See Docket Nos.  
3 14, 15).

4           5.       On May 4, 2011, Defendant informed Plaintiffs' counsel of a prior matter filed  
5 against it, in which the same claims were alleged as the case at bar, and were settled and released  
6 by the parties through November 28, 2009.

7           6.       Since May 4, 2011, the parties have agreed to try to settle the case at bar for the  
8 period beginning November 29, 2009 through "present" and are currently working to agree on  
9 the terms of the settlement.

10           7.       Pursuant to Civil L.R. 6-2, the undersigned hereby declares that there have been  
11 no previous modifications to the Court's deadlines for ADR and discovery deadlines as set forth  
12 in its Order Setting Initial Case Management Conference and ADR deadlines dated April, 14,  
13 2011. (*See* Docket 2).

14           8.       An enlargement of time of the deadlines set forth in the Court's Order shall  
15 further the interest of the parties in order to settle this matter expeditiously and with judicial  
16 economy to both parties.

17           9.       Therefore, pursuant to Civil L.R. 6-2, the undersigned, counsel for the Defendant,  
18 along with counsel for the Plaintiffs, have requested an enlargement of time of the deadlines  
19 outlined in the Court's Order at Docket 2, through their Joint Stipulation to Extend Discovery  
20 and Case Management Deadlines filed concurrently herewith.  
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1 I declare under the penalty of perjury under the laws of the United States and the State of  
2 California that the foregoing is true and correct. Executed this the 29th day of June, 2011, in  
3 Nashville, Davidson County, Tennessee.

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5  
6 s/ Jennifer B. Robinson  
7 JENNIFER B. ROBINSON

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8 **UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

9  
10 ARIEL J. FULCHER, an individual, on ) Case No.: 3:11-cv-01821-EDL  
behalf of himself and all persons similarly ) (Class Action)  
11 situated, )  
12 Plaintiff, ) ~~[PROPOSED]~~ ORDER GRANTING  
13 v. ) STIPULATION TO EXTEND DISCOVERY  
14 OLAN MILLS, INC.; and Does I through ) AND CASE MANAGEMENT DEADLINES  
15 50, ) **AS MODIFIED**  
16 Defendants. ) Mag. Judge: Hon. Elizabeth D. Laporte

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18 The Court has reviewed the Parties' Stipulation to Extend Discovery and Case  
19 Management Deadlines, and the Declaration of Jennifer B. Robinson pertaining thereto.  
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1 Good cause appearing therefore, it is hereby ordered that the Stipulation is granted and  
2 the Court hereby directs the Clerk to enter this order and amend the case management deadlines  
3 as follows:

4 Last day to meet and confer re: initial disclosures, early settlement, ADR process  
5 selection, and discovery plan shall be changed from July 5, 2011 to September 2, 2011;  
6

7 Last day to file ADR Certification signed by Parties and Counsel shall be changed from  
8 July 5, 2011 to September 2, 2011;

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10 Conference shall be changed from July 5, 2011 to September 2, 2011;

11 Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule  
12 26(f) Report and file Case Management Statement shall be changed from July 19, 2011 to  
13 September 16, 2011;  
14

15 INITIAL CASE MANAGEMENT CONFERENCE shall be changed from July 26, 2011  
16 to September <sup>27</sup> 23, 2011, ~~or as soon thereafter as the Court has availability (\_\_\_\_\_)~~ at 10:00 a.m.

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18 PURSUANT TO STIPULATION, IT IS SO ORDERED.

19  
20 DATED: July 5, 2011

