

DARYL S. LANDY, SBN 136288  
SACHA M. STEENHOEK, SBN 253743  
MORGAN, LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
San Francisco, California 94105-1126  
Telephone: 415.442.1000  
Facsimile: 415.442.1001  
  
MARK S. DICHTER, Admitted *Pro Hac Vice*  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market Street  
Philadelphia, Pennsylvania 19103  
Telephone: 215.963.5000  
Facsimile: 215.963.5001  
Attorneys for Defendants  
MORGAN STANLEY SMITH BARNEY LLC  
and JIM NIELSEN

[Additional counsel, next page]

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

JESSE BLOUNT III  
Plaintiff,  
  
vs.  
  
MORGAN STANLEY SMITH BARNEY  
LLC., and JIM NIELSEN, as an individual,  
  
Defendants.

) Case No. C11-02227-CRB (DMR)  
)  
) **STIPULATION REQUESTING ORDER**  
) **TO CHANGE DISPOSITIVE MOTION**  
) **HEARING DATE; ATTACHED**  
) **DECLARATION OF DEFENDANTS’**  
) **COUNSEL IN SUPPORT THEREOF, AND**  
) **ORDER**  
)  
) **Civ. L.R. 6-2**  
)  
) Hon. Judge Charles R. Breyer

1 DAN SIEGEL, SBN 56400  
2 PETER HABERFELD, SBN 041723  
3 SIEGEL & YEE  
4 499 14th Street, Suite 300  
5 Oakland, CA 94612  
6 Telephone: (510) 839-1200  
7 Facsimile: (510) 444-6698

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
Attorneys for Plaintiff  
JESSE BLOUNT III

**STIPULATION**

WHEREAS, on March 22, 2013, Defendants filed a Notice of Motion and Motion for Summary Judgment and scheduled a hearing on the Motion for April 26, 2013;

WHEREAS, on March 28, 2013, the parties filed a stipulation to extend Plaintiff's time to oppose Defendants' Motion and to change the date of the hearing on the Motion to June 21, 2013;

WHEREAS, on June 19, 2013, this Court continued the Motion hearing and rescheduled it to July 19, 2013;

WHEREAS, Plaintiff's counsel was not available for hearing on July 19, 2013, and as a result the Parties stipulated to continue the motion hearing to August 16, 2013;

WHEREAS, on August 14, 2013, this Court continued the Motion hearing and rescheduled it to September 6, 2013;

WHEREAS, on September 4, 2013, this Court continued the Motion hearing and rescheduled it to September 27, 2013;

WHEREAS, Defendants' counsel Daryl Landy declares in the attached Declaration that Morgan Stanley Smith Barney's company representative will be out of the State on September 27, 2013 and unavailable to attend the hearing on that date; and

WHEREAS, the parties have mutually agreed that the next date on which both the parties and the Court are available is Friday, October 11, 2013.

1           **THEREFORE, IT IS HEREBY STIPULATED**, by and between the parties through  
2 their respective attorneys of record, that the following schedule be set:

- 3           1.       The hearing date for the Motion for Summary Judgment will be postponed and  
4                   rescheduled to October 11, 2013, or as soon thereafter as the Court may hear  
5                   the Motion; and  
6  
7           2.       The parties request that if the Court does not grant the Motion for Summary  
8                   Judgment in its entirety, the Court schedule a case management conference ten  
9                   days after the Court issues its order(s) on the Motion for Summary Judgment,  
10                  or at a date thereafter as the Court selects, for the purpose of setting a trial date  
11                  and pre-trial deadlines.  
12

13  
14 Dated: September 16, 2013

MORGAN LEWIS & BOCKIUS LLP

15 By: /s/Daryl S. Landy

16 Attorneys for Defendants  
17 MORGAN STANLEY SMITH BARNEY  
18 LLC and JIM NIELSEN

19 Dated: September 16, 2013

SIEGEL& YEE

20  
21 By: /s/Dan Siegel  
22 *as approved September 16, 2013*  
23 Attorneys for Plaintiff  
24 JESSE BLOUNT III  
25  
26  
27  
28

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**ORDER**

IT IS HEREBY ORDERED THAT Good Cause appearing, the parties' Stipulation regarding the scheduling of the hearing date of Defendants' Motion for Summary Judgment and the case management conference is GRANTED as follows:

1. The hearing date for Defendants' Motion for Summary Judgment is continued to October 11, 2013.
2. If the Court does not grant the Motion for Summary Judgment in its entirety, it will schedule a case management conference ten days after the Court issues its order(s) on the Motion for Summary Judgment, or at a date thereafter as the Court selects, for the purpose of setting a trial date and pre-trial deadlines.

Dated: September 16, 2013

