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13 [Additional counsel, next page]

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

16 JESSE BLOUNT III, STEVE PARKER, and
 17 TIFFANY PEREZ,

18 Plaintiffs,

19 vs.

20 MORGAN STANLEY SMITH BARNEY
 21 LLC., and JIM NIELSEN, as an individual,

22 Defendants.

) Case No. C11-02227-CRB (DMR)

) **STIPULATION AND ORDER RE:**
) **DISPOSITIVE MOTION DEADLINES**

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25 Attorneys for Defendants
26 MORGAN STANLEY SMITH BARNEY LLC and JIM NIELSEN
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1 **STIPULATION**

2 WHEREAS, Plaintiffs filed the initial Complaint in this action on May 6, 2011;

3 WHEREAS, discovery concluded by agreement between the parties on November 19,
4 2012, and the parties completed the last deposition on November 12, 2012;

5 WHEREAS, on December 18, 2012, the parties filed a Stipulation and Proposed Order
6 Granting Parties' Request to Refer Case to Private ADR, and on December 19, 2012, this Court
7 signed the Proposed Order;

8 WHEREAS, pursuant to the Stipulation regarding private ADR, the parties have agreed
9 to participate in a private mediation session to occur on February 20, 2013;

10 WHEREAS, in the event the mediation is unsuccessful, the parties wish to establish a
11 deadline for filing and hearing dispositive motions and a procedure for scheduling trial, if
12 necessary.

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

- 15
- 16 1. Dispositive motions, if any, must be filed by no later than March 22, 2013;
 - 17 2. In accordance with Civil Local Rule 7-2, any such motions must be filed, served
18 and noticed in writing on this Court's motion calendar for hearing no less than
19 thirty-five days after service of the motion, but in no event later than April 26,
20 2013, or as soon thereafter as the Court may hear the motion.
 - 21 3. If mediation or dispositive motions do not resolve this action in its entirety, the
22 parties request that the Court schedule a case management conference ten days
23 after the Court issues its order(s) on the dispositive motion(s), or at a date
24 thereafter as the Court selects, for the purpose of setting a trial date and pre-trial
25 deadlines.
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1 Dated: December 20, 2012

SIEGEL& YEE

2
3 By: /s/ Peter Haberfeld
4 (as authorized on 12/20/2012)
5 Attorneys for Plaintiffs
6 JESSE BLOUNT III, STEVE PARKER
7 And TIFFANY PEREZ

8 Dated: December 20, 2012

MORGAN LEWIS & BOCKIUS LLP

9 By: /s/Daryl S. Landy
10 Attorneys for Defendants
11 MORGAN STANLEY SMITH BARNEY
12 LLC and JIM NIELSEN
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ORDER

IT IS HEREBY ORDERED THAT Good Cause appearing, the parties' Stipulation regarding the scheduling of dispositive motions deadlines, dispositive motion hearing, and trial setting conference is GRANTED as follows:

1. Dispositive motions, if any, must be filed by no later than March 22, 2013;
2. In accordance with Civil Local Rule 7-2, any such motions must be filed, served and noticed in writing on this Court's motion calendar for hearing no less than thirty-five days after service of the motion, but in no event later than April 26, 2013, or as soon thereafter as the Court may hear the motion.
3. If mediation or dispositive motions do not resolve this action in its entirety, the Court will schedule a case management conference ten days after the Court issues its order(s) on the dispositive motion(s), or at a date thereafter as the Court selects, for the purpose of setting a trial date and pre-trial deadlines.

Dated: January 3, 2013

UNITED STATES DISTRICT COURT JUDGE

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