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

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

17 Plaintiffs,

18 vs.

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

21 Defendants.

Case No. C-11-02227 MEJ

**REQUEST FOR CONTINUANCE TO
FILE JOINT CASE MANAGEMENT
STATEMENT AND RULE 26(f)
REPORT, AND PROPOSED ORDER**

Courtroom B, 15th Floor
Hon. Maria-Elena James

22 On May 6, 2011, the Court issued an ADR Scheduling Order setting August 11,
23 2011 as the deadline for filing a Joint Case Management Statement in the above-entitled
24 matter. On May 12, plaintiffs agreed with defendants' attorneys, who were retained by
25 defendants for the sole purpose of attempting to mediate a settlement with plaintiffs, to
26 attempt informal mediation. Plaintiffs agreed not to serve their complaint until
27 mediation efforts were completed. On July 18, 2011, plaintiffs canceled the mediation
28 session that had been scheduled for August 2, 2011 and notified defendants' attorneys

1 that they would serve the complaint on defendants. On July 22, 2011, plaintiffs mailed
2 to defendants a Notice of Lawsuit and Request to Waive Service of Summons and a form
3 enabling them to waive service of summons. Defendants have thirty days from that date
4 to respond. To this date, defendants have not entered an appearance in this matter.
5 Plaintiffs therefore are unable to enter a joint case management statement that complies
6 with the Court's deadline.
7

8 Dated: August 11, 2011

Respectfully submitted,

9 SIEGEL & YEE

10 By: /s/ Peter Haberfeld
11 Peter Haberfeld

12 Attorneys for Plaintiffs
13 Jesse Blount III, Steve Parker and
14 Tiffany Perez

15 ORDER GRANTING CONTINUANCE

16 Plaintiffs' Request for Continuance to File a Joint Case Management Statement
17 and Rule 26(f) Report is granted because defendants have not yet filed an appearance in
18 this case and therefore plaintiffs have been unable to enter a joint case management
19 statement to meet the deadline set by this Court on May 6, 2011. The deadline for filing
20 the Joint Case Management Statement and Rule 26(f) Report is continued until
21 September 29, 2011. The cmc is scheduled for October 6, 2011 at 10:00 a.m. All dates are
22 adjusted accordingly.
23

24 IT IS SO ORDERED

25 Dated: August 12, 2011

26
27 
28 UNITED STATES COURT JUDGE