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18 *Attorneys for Plaintiffs*

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 HAROLD SMALLEY et al.,
 22 Plaintiffs,
 23 v.
 24 HOME DEPOT U.S.A., INC.,
 25 Defendant.

26 Case No. 11-cv-02951-JCS
 27 STIPULATION AND [~~PROPOSED~~]
 28 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 TO JULY 13, 2012

WHEREFORE, on June 15, 2012 the Court held a discovery hearing on the parties' joint letter and issued an Order to Show Cause to the 27 plaintiffs who

1 have not responded to discovery as to why their case should not be dismissed for
2 failure to prosecute and denied the nine plaintiffs' request for an abeyance.

3 WHEREFORE, the Court set a hearing for July 13, 2012 at 9:30 AM, for its
4 Order to Show Cause.

5 WHEREFORE, the Court previously set a case management conference for
6 June 22, 2012.

7 THE PARTIES HEREBY STIPULATE AND AGREE that the case
8 management conference set for June 22, 2012 shall be continued to July 13, 2012
9 to be held after the Order to Show Cause hearing.

10
11 Respectfully submitted,

12 Dated: June 20, 2012

13 /s/ Caitlin Duffy
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23 One of the Attorneys for Plaintiffs

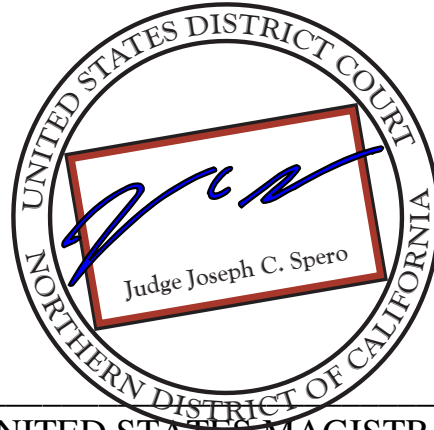
24 Dated: June 20, 2012

25 /s/ Donna M. Mezas
26 Donna M. Mezas,
27 AKIN GUMP STRAUSS
28 HAUER & FELD LLP
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One of the Attorneys for Defendant

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PURSUANT TO STIPULATION, IT IS SO ORDERED.



Dated: June 21, 2012

UNITED STATES MAGISTRATE JUDGE

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3 **PROOF OF SERVICE**

4 I, Caitlin Duffy, am employed in the County of New York, State of New York. I am over the
5 age of 18 and not a party to the within action; my business address is: 32 East 57th Street, 12th Floor,
6 New York, New York 10022. On June 20, 2012, I served the foregoing document(s) described as:

7 **STIPULATION AND [PROPOSED] ORDER TO CONTINUE CASE MANAGEMENT**
8 **CONFERENCE TO JULY 13, 2012**

9 on the interested party(ies) below, using the following means:

10 **SEE ATTACHED SERVICE LIST**

11 BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the
12 respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and
13 mailing, following our ordinary business practices. I am readily familiar with the firm's practice of
14 collection and processing correspondence for mailing. On the same day that correspondence is placed
15 for collection and mailing, it is deposited in the ordinary course of business with the United States
16 Postal Service, in a sealed envelope with postage fully prepaid at Sacramento, California.

17 BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an
18 overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I
19 placed the envelope or package for collection and overnight delivery at an office or a regularly utilized
20 drop box of the overnight delivery carrier.

21 BY FAX Based on an agreement of the parties to accept service by fax transmission, I faxed the
22 documents to the respective fax number(s) of the party(ies) as stated above. No error was reported by
23 the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is
24 attached.

25 BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties
26 to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the
27 respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable
28 time after the transmission, any electronic message or other indication that the transmission was
unsuccessful.

(STATE) I declare under penalty of perjury under the laws of the State of New York that the
foregoing is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose
direction the service was made.

Executed on June 20, 2012 at New York, New York.

25 /s/ Caitlin Duffy
26 Caitlin Duffy

SERVICE LIST

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