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9 *Counsel for Plaintiffs*

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO DIVISION**

13 JASMINE HUBBARD AND MARVEL
 14 MILLS, individually and on behalf of a class
 of similarly situated individuals,

15 Plaintiffs,

16 vs.

17 WENNER MEDIA LLC, a Delaware limited
 18 liability company

19 Defendant.

Case No. 3:11-cv-04648-EMC

**STIPULATION AND [~~PROPOSED~~]
 ORDER TO RESCHEDULE
 SETTLEMENT CONFERENCE**

Judge: Hon. Maria-Elena James

20 Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the
 21 Northern District of California and the Magistrate Judge’s Order Setting Settlement Conference
 22 (Dkt. 54), it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel Mills and
 23 Defendant Wenner Media LLC (collectively the “Parties”), by and through their respective
 24 counsel of record, as follows:

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WHEREAS, Plaintiff filed the Complaint in this case on September 20, 2011 (dkt. 1);

WHEREAS, the Parties agreed to participate in a settlement conference with the Hon. Maria-Elena James (dkt. 52);

WHEREAS, Magistrate Judge James entered an Order setting a Settlement Conference for May 2, 2012 at 10:00 a.m. (dkt. 54);

WHEREAS, on April 18, 2012, the Parties stipulated to reset the Settlement Conference in this case to July 25, 2012 (dkt. 59);

WHEREAS, Magistrate Judge James issued an Order resetting the Settlement Conference to July 25, 2012 (dkt. 60);

WHEREAS, Plaintiff has been diligently seeking discovery from third-parties that possess information relevant to this lawsuit including third-parties Revenue Enhancement Consultants, Inc. and Trifecta Marketing Group, Inc. (“Trifecta”);

WHEREAS, on April 17, 2012, Plaintiff issued a *subpoena duces tecum* on Trifecta seeking information that would facilitate meaningful settlement discussions between the Parties;

WHEREAS, Plaintiff expected to receive the documents from Trifecta in advance of the July 25, 2012 settlement conference;

WHEREAS, on May 29, 2012, Trifecta responded to Plaintiff’s subpoena with a very limited number of documents that were already produced by other third-parties, and further informed Plaintiff that it could not produce additional documents due to a “memory loss” on one of its computers;

WHEREAS, Plaintiff has been communicating with Trifecta to determine alternative locations of electronically stored information (“ESI”) in Trifecta’s possession;

WHEREAS, should Plaintiff and Trifecta be unable to resolve their discovery disputes informally, Plaintiff will request a meet-and-confer in advance of Plaintiff’s motion to compel;

WHEREAS, the Parties agree that it would not be an efficient use of the Parties’ or the Court’s time and resources to conduct a settlement conference on July 25, 2012 without the

1 evidence necessary to have meaningful settlement discussions;

2 WHEREAS, Magistrate Judge James' chambers has informed the Parties that November
3 13, 2012 is an available date to hold the Settlement Conference;

4 WHEREAS, Magistrate James' chambers has informed the Parties that rescheduling the
5 Settlement Conference to November 13, 2012 is acceptable;

6 WHEREAS, this is the Parties' second request to continue the date of the settlement
7 conference.

8 Pursuant to L.R. 6-2, IT IS HEREBY STIPULATED AND AGREED by the Parties,
9 through their counsel, that, with the Court's agreement, the settlement conference be reset from
10 July 25, 2012 to November 13, 2012. IT IS SO STIPULATED.

11 DATED this 16th day of July 2012.

12 EDELSON MCGUIRE LLP

DAVIS WRIGHT TREMAINE LLP

13 By: /s/ Sean Reis

By: /s/ Thomas R. Burke

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18 Attorneys for Jasmine Hubbard and Marvel
19 Mills

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Attorneys for Wenner Media LLC

17 **ORDER**

18 Pursuant to stipulation, the foregoing is approved and IT IS SO ORDERED.

19 IT IS SO ORDERED.

20 DATED: July 19, 2012

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22 _____
23 THE HONORABLE MARIA-ELENA JAMES
24 UNITED STATES MAGISTRATE JUDGE

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CERTIFICATION

I, Sean Reis, am the ECF User whose identification and password are being used to file this *Stipulation And [Proposed] Order to Reschedule Settlement Conference*. In compliance with General Order 45.X.B., I hereby attest that the Counsel whose electronic signatures appear on this document have concurred in this filing and that the same will be delivered to those registered with the Court's CM/ECF system.

Dated: July 16, 2012

EDELSON MCGUIRE LLP

/s/ Sean Reis
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Attorneys for Jasmine Hubbard and Marvel Mills