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16  
 17 **UNITED STATES DISTRICT COURT**  
 18 **NORTHERN DISTRICT OF CALIFORNIA**  
 19 **SAN FRANCISCO DIVISION**

20 JASMINE HUBBARD AND MARVEL  
 21 MILLS, individually and on behalf of a class  
 22 of similarly situated individuals,

23 Plaintiffs,

24 vs.

25 WENNER MEDIA LLC, a Delaware limited  
 26 liability company

27 Defendant.

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

**STIPULATION AND [PROPOSED]  
 ORDER TO RESET DATES OF INITIAL  
 CASE MANAGEMENT CONFERENCE  
 AND ARGUMENT ON MOTION**

Judge: Hon. Edward M. Chen

28 Pursuant to Civil Local Rules 6-1(b) and 6-2 of the United States District Court for the  
 Northern District of California and Rule 4 of Civil Standing Order – General of the Honorable  
 Edward M. Chen, it is hereby stipulated by and among Plaintiffs Jasmine Hubbard and Marvel  
 Mills and Defendant Wenner Media LLC (collectively the “Parties”), by and through their  
 respective counsel of record, as follows:

1. Plaintiffs filed the Complaint in this case on September 20, 2011. On December 9,  
 2011, Defendant filed a Motion to Dismiss or, in the Alternative, to Transfer to the Southern  
 District of New York (“Defendant’s Motion”). Defendant’s Motion has been fully briefed and  
 oral argument was originally scheduled for February 17, 2012.

1           2.       The Parties wished to engage in settlement discussions, indicated a desire to  
2 schedule an early settlement conference with a Magistrate Judge, and had an ADR phone  
3 conference on February 14, 2012. In addition, the Parties had reason to believe that discovery  
4 from third-parties would maximize the Parties ability to engage in meaningful settlement  
5 discussions.

6           3.       In consideration of this, the Parties stipulated to a Stay of sixty (60) days, which  
7 this Court signed on February 13, 2012. (Dkt. 49.) During the stipulated period, the Parties  
8 requested that this Court issue no decision on Defendant's Motion.

9           4.       The Parties again stipulated to move the hearing date on Defendant's Motion from  
10 April 20, 2012 to August 17, 2012. (Dkt. 57.)

11          5.       Due to delays in the discovery process, the Parties stipulated to move the settlement  
12 conference date, as well as the hearing date on Defendant's Motion that was scheduled for August  
13 17, 2012. (Dkt. 63.)

14          6.       On August 7, 2012, the Court entered an Order setting the hearing date on  
15 Defendant's Motion to Dismiss, as well as the Case Management Conference, for November 2,  
16 2012. (Dkt. 64.)

17          7.       Since the entry of that Order, the Parties have received additional third-party  
18 discovery and have begun discussing an alternative settlement model.

19          8.       The Parties believe that they will be able to determine in the next few weeks if the  
20 settlement of this matter pursuant to the terms currently under discussion can be effectuated and  
21 that it would be in the best interests of judicial economy and efficiency to continue the hearing on  
22 Defendant's Motion to Dismiss and the Case Management Conference.

23          9.       This Stipulation will be the last request for a continuance of hearing on Defendant's  
24 Motion and the Case Management Conference.

25          10.       This stipulation would alter certain preliminary deadlines established by this Court,  
26 including the obligation to file a Joint Case Management Statement in advance of the Case  
27 Management Conference currently scheduled for November 2, 2012 at 1:30 p.m.  
28

1           a.       The Initial Case Management Conference scheduled for Friday, November  
2 2, 2012 shall be continued to Friday, January 11, 2013 at 1:30 p.m. in Courtroom 5, 17th Floor,  
3 450 Golden Gate Avenue, San Francisco, California, or as soon thereafter as is convenient for the  
4 Court.

5           b.       Oral argument on Defendant's Motion shall be continued to the same date  
6 and time as the Initial Case Management Conference, or as soon thereafter as is convenient for the  
7 Court.

8           c.       The October 26, 2012 deadline for the Parties to file a Joint Case  
9 Management Statement shall be continued to January 4, 2013.

10       This is the fifth stipulated time modification in this case; on November 7, 2011, the Parties  
11 filed a joint stipulation to extend the time for Defendant to answer, move or otherwise respond to  
12 the Complaint, and the Court so ordered on November 9, 2011. On February 10, 2012, the Parties  
13 filed a stipulation and proposed order to reset the Case Management Conference and oral  
14 argument on Defendant's Motion, which the Court so ordered on February 13, 2012. On April 9,  
15 2012, the Parties filed a stipulation and proposed order to reset the Case Management Conference  
16 and oral argument on Defendant's Motion, which the Court so ordered on April 10, 2012. On  
17 August 3, 2012, the Parties filed a stipulation and proposed order to reset the Case Management  
18 Conference and oral argument on Defendant's Motion, which the Court so ordered, with  
19 modification, on August 7, 2012, resetting the date for November 2, 2012. No trial date has been

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1 set, so this extension will not require that a trial date be rescheduled, but it will require that the  
2 Initial Case Management Conference and related deadlines be rescheduled, as set forth *supra*.

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4 IT IS SO STIPULATED.

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6 DATED this 19th day of October 2012.

7 EDELSON MCGUIRE LLP

DAVIS WRIGHT TREMAINE LLP

8  
9 By: /s/ Sean Reis

By: /s/ Thomas R. Burke

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Dated: October 19, 2012

By /s/ Sean Reis  
SEAN REIS  
Attorneys for  
Plaintiffs Jasmine Hubbard and Marvel Mills

**ORDER**

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

IT IS FURTHER ORDERED that the November 2, 2012 Initial Case Management  
Thursday, January 17, 2013  
Conference shall be rescheduled to ~~Friday, January 11, 2013~~, at 1:30 p.m. in Courtroom 5, 17<sup>th</sup>  
Floor, 450 Golden Gate Avenue, San Francisco, California. Defendant's motion to dismiss is reset  
for January 17, 2013 at 1:30 p.m.

IT IS SO ORDERED.

DATED: October <sup>22</sup>\_\_\_\_, 2012



THE HONORABLE EDWARD M. CHEN  
UNITED STATES DISTRICT COURT JUDGE