

1 SEYFARTH SHAW LLP
 Francis J. Ortman III (SBN 213202)
 2 E-mail: fortman@seyfarth.com
 Kimberly G. Brener (SBN 244531)
 3 E-mail: kbrener@seyfarth.com
 560 Mission Street, 31st Floor
 4 San Francisco, California 94105
 Telephone: (415) 397-2823
 5 Facsimile: (415) 397-8549

6 Raymond R. Kepner (SBN 90093)
 E-mail: rkepner@seyfarth.com
 7 Sara M. Poggi (SBN 259469)
 E-mail: spoggi@seyfarth.com
 8 333 S. Hope Street, Suite 3900
 Los Angeles, California 90071
 9 Telephone: (213) 270-9600
 Facsimile: (213) 270-9601

10 Attorneys for Defendant
 11 IKON OFFICE SOLUTIONS, INC.

12 HAMMONDLAW, PC
 Julian Hammond (SBN 268489)
 13 E-mail: Hammond.julian@gmail.com
 1180 S. Beverly Drive, Suite 601
 14 Los Angeles, California 90035
 Telephone: (310) 601-6766
 15 Facsimile: (310) 295-2385

16 Attorney for Plaintiffs
 TAMMI PELTON CLUCK, CEDRIC HEFFNER,
 17 ALAN KABAKOFF and BRIAN SWANSON

18 UNITED STATES DISTRICT COURT

19 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

20 SAN FRANCISCO

21 TAMMI PELTON CLUCK, CEDRIC)
 HEFFNER, ALAN KABAKOFF, and BRIAN)
 22 SWANSON, individually and on behalf of all)
 others similarly situated,)

23 Plaintiffs,)

24 v.)

25 IKON OFFICE SOLUTIONS, INC., an Ohio)
 26 Corporation,)

27 Defendant.)
 28)

Case No. CV 11 5027 JSW

**STIPULATION AND [PROPOSED]
 ORDER TO STAY ACTION FOR 30
 DAYS, TO CONTINUE THE
 SCHEDULING CONFERENCE AND
 FOR AN EXTENSION OF TIME**

Judge: Hon. Jeffrey S. White

Complaint Filed: October 12, 2011
 FAC Filed: November 30, 2011

1 Pursuant to Local Rule 6-2 and 7-12, Plaintiffs Tammi Pelton Cluck, Cedric Heffner,
2 Alan Kabakoff, and Brian Swanson (collectively, the “Plaintiffs”) and Defendant IKON Office
3 Solutions, Inc. (“IKON”) (collectively, the “Parties”), by and through their undersigned counsel,
4 hereby stipulate as follows:

5 **RECITALS**

6 Whereas, IKON filed its Motion to Dismiss and/or Motion to Strike the Class Allegations
7 in Plaintiffs’ First Amended Complaint (hereinafter the “Motion to Dismiss and Strike”) on
8 January 3, 2012, making Plaintiffs’ Response due on January 17, 2012 and IKON’s Reply due on
9 January 24, 2012. (*See* Declaration of Julian Hammond (“Hammond Decl.”) ¶ 2). The hearing
10 on IKON’s Motion to Dismiss and Strike is currently scheduled for April 13, 2012 at 9:00 a.m.
11 (*Id.* at ¶ 3).

12 Whereas, IKON filed a Motion to Stay, or in the alternative, Transfer Action (hereinafter
13 “Motion to Stay/Transfer”) on November 22, 2011 and a Notice of Pendency of Other Actions or
14 Proceedings on November 21, 2011. (*Id.* at ¶ 4). Plaintiffs filed their Response to the Motion to
15 Stay/Transfer on December 4, 2011 and IKON filed its Reply on December 11, 2011. (*Id.* at ¶
16 4). IKON subsequently filed an Administrative Motion Re: Continued Validity of Motion to
17 Stay, or in the Alternative, to Transfer Action Despite Changed Circumstances (hereinafter, the
18 “Administrative Motion”), on January 9, 2012. (*Id.* at ¶ 5). Plaintiff’s Response to this
19 Administrative Motion is due on January 13, 2012. (*Id.* at ¶ 5). The hearing on IKON’s Motion
20 Stay/Transfer is currently scheduled for April 13, 2012 at 9:00 a.m. (*Id.* at ¶ 4).

21 Whereas, on November 8, 2011, the Court issued an Order Setting Case Management
22 Conference and Requiring Joint Case Management Statement (the “Order”) in this action. (*Id.* at
23 ¶ 6). The Court’s Order set the initial Case Management Conference for Friday, February 3,
24 2012 at 1:30 p.m. (*Id.* at ¶ 6).

25 Whereas, the Parties are currently engaged in settlement negotiations and, in light of
26 those settlement negotiations, Plaintiffs requested that IKON stipulate to a 30-day stay on all
27 proceedings and IKON agreed. (*Id.* at ¶ 7).

1 (3) In light of the stipulated stay, the Parties further agree that the Case Management
2 Conference currently scheduled with the Court on Friday, February 3, 2012 at 1:30 p.m. be
3 continued until **April 13, 2012, at 9:00 a.m.** (the same date and time as the hearing on IKON's
4 Motion to Dismiss and Strike and Motion to Stay/Transfer) and that all corresponding dates also
5 be continued and calculated from the new Conference date (e.g., the Parties' Joint Case
6 Management Statement would be due April 6, 2012). The parties also stipulate to change the
7 time of the Conference (to 9:00 a.m.), to accommodate Plaintiffs' counsel's religious observance,
8 which interferes with his ability to appear in the afternoon on a Friday. (Hammond Decl. at ¶
9 12). If, for any reason, this stipulation to continue the date and time of the Conference is not
10 granted by the Court, the Parties stipulate to change only the time of the currently-scheduled
11 Conference to 9:00 a.m. (on February 3, 2012), to accommodate Plaintiffs' counsel's religious
12 observance.

13 (4) The Parties further stipulate that the briefing schedule on IKON's Motion to Dismiss
14 and Strike be postponed/extended as follows:

- 15 a) Plaintiffs' deadline to file their Opposition to the Motion to Dismiss and Strike
16 shall be extended by 30 days, until **February 16, 2012**. (*Id.* at ¶ 10).
- 17 b) IKON's deadline to file its Reply in support of its Motion to Dismiss and Strike
18 shall be extended to **March 1, 2012** (seven (7) days after Plaintiffs' Response is
19 due, plus an additional seven (7) days). (*Id.*).
- 20 c) The date and time of the hearing on IKON's Motion to Dismiss and Strike will
21 remain the same (*i.e.* April 13, 2012 at 9:00 a.m.). (*Id.*).

22 //
23 //
24 //
25 //
26 //
27 //
28 //

1 (5) Finally, the Parties stipulate that Plaintiffs' deadline to file a response to IKON's
2 Administrative Motion shall be extended 30 days, until **February 13, 2012**. (*Id.* at ¶ 11). The
3 date and time of the hearing on IKON's Motion to Stay/Transfer will remain the same (*i.e.*, April
4 13, 2012 at 9:00 a.m.). (*Id.*)

5 **IT IS SO STIPULATED.**

6
7 DATED: January 12, 2012

SEYFARTH SHAW LLP

8
9 By /s/ Kimberly Brener
10 Kimberly G. Brener
11 Attorneys for Defendant
IKON OFFICE SOLUTIONS, INC.

12 DATED: January 12, 2012

HAMMONDLAW, PC

13
14 By /s/ Julian Hammond
15 Julian Hammond
16 Attorneys for Plaintiffs TAMMI PELTON
17 CLUCK, CEDRIC HEFFNER, ALAN
KABAKOFF, and BRIAN SWANSON

18
19 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

20 Dated: January 18, 2012

21 
Hon. Jeffrey S. White

22 By: HONORABLE JAMES WARE