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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 CONTINUE THE**  
 ) **HEARING ON THE MOTION TO**  
 ) **DISMISS AND STRIKE, THE MOTION**  
 ) **TO STAY OR TRANSFER, AND THE**  
 ) **CASE MANAGEMENT CONFERENCE**  
 ) **UNTIL APRIL 20, 2012**  
 )  
 ) Judge: Hon. Jeffrey S. White  
 )  
 ) Complaint Filed: October 12, 2011  
 ) FAC Filed: November 30, 2011

Stipulation and ~~Proposed~~ Order For Continuances of the Hearing on the Motion to Dismiss and Strike and the Motion to Stay/ Transfer and the Case Management Conference/ Case No. CV 11 5027 JSW

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. Plaintiffs filed an Opposition on January 17, 2012. (*See* Declaration of Julian  
9 Hammond (“Hammond Decl.”) ¶ 2). The hearing on IKON’s Motion to Dismiss and Strike is  
10 currently scheduled for April 13, 2012 at 9:00 a.m. (*Id.*).

11 Whereas, IKON filed a Motion to Stay, or in the alternative, Transfer Action (hereinafter  
12 “Motion to Stay/Transfer”) on November 22, 2011 and a Notice of Pendency of Other Actions or  
13 Proceedings on November 21, 2011. (*Id.* at ¶ 3). Plaintiffs filed their Opposition to the Motion  
14 to Stay/Transfer on December 4, 2011 and IKON filed its Reply on December 11, 2011. (*Id.*).  
15 IKON subsequently filed an Administrative Motion Re: Continued Validity of Motion to Stay, or  
16 in the Alternative, to Transfer Action Despite Changed Circumstances (hereinafter, the  
17 “Administrative Motion”), on January 9, 2012. (*Id.* at ¶ 4). Plaintiffs filed their Opposition to  
18 this Administrative Motion on February 13, 2012. (*Id.*). The hearing on IKON’s Motion to  
19 Stay/Transfer is currently scheduled for April 13, 2012 at 9:00 a.m. (*Id.* at ¶ 4).

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

24 Whereas, on January 12, 2012 the Parties entered a stipulation continuing the Case  
25 Management Conference to April 13, 2012 at 9:00 a.m. (the same date and time as the hearings  
26 on the pending Motions) and further stipulated to enlarge the time on the briefing schedules for  
27 the Motion to Dismiss and Strike and Motion to Stay/Transfer. The Court approved the Parties’  
28



1 (2) The Parties further agree that the Case Management Conference currently scheduled  
2 with the Court on Friday, April 13, 2012 at 9:00 a.m. be continued to **April 20, 2012 at 9:00**  
3 **a.m.** (the same date and time as the stipulated hearing date for IKON’s Motion to Dismiss and  
4 Strike and Motion to Stay/Transfer). The Parties further stipulate and agree and that all dates  
5 corresponding to the Case Management Conference also be continued and calculated from the  
6 new Conference date (e.g., the Parties’ Joint Case Management Statement would be due April  
7 13, 2012).

8 **IT IS SO STIPULATED.**

9  
10 DATED: February \_\_, 2012

SEYFARTH SHAW LLP

11  
12 By /s/ Kimberly Brenner  
13 Kimberly G. Brenner  
14 Attorneys for Defendant  
IKON OFFICE SOLUTIONS, INC.

15 DATED: February \_\_, 2012

HAMMONDLAW, PC

16  
17 By /s/ Julian Hammond  
18 Julian Hammond  
19 Attorneys for Plaintiffs TAMMI PELTON  
20 CLUCK, CEDRIC HEFFNER, ALAN  
21 KABAKOFF, and BRIAN SWANSON

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

23  
24 Dated: March 6, 2012

25   
26 Hon. Jeffrey S. White