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18	UNITED STATES DISTRICT COURT	
19	IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA	
20		ANCISCO
21	TAMMI PELTON CLUCK, CEDRIC HEFFNER, ALAN KABAKOFF, and BRIAN SWANSON, individually and on behalf of all others similarly situated, Plaintiffs, v.) Case No. CV 11 5027 JSW
22) STIPULATION AND [PROPOSED]) ORDER TO CONTINUE THE
23		HEARING ON THE MOTION TODISMISS AND STRIKE, THE MOTION
24		TO STAY OR TRANSFÉR, AND THE CASE MANAGEMENT CONFERENCE
25	IKON OFFICE SOLUTIONS, INC., an Ohio) UNTIL APRIL 20, 2012
26	Corporation,) Judge: Hon. Jeffrey S. White
27	Defendant.) Complaint Filed: October 12, 2011) FAC Filed: November 30, 2011
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	Stipulation and [Proposed] Order For Continuances of the Hearing on the Motion to Dismiss and Strike and the	

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

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

RECITALS

Whereas, IKON filed its Motion to Dismiss and/or Motion to Strike the Class Allegations in Plaintiffs' First Amended Complaint (hereinafter the "Motion to Dismiss and Strike") on January 3, 2012. Plaintiffs filed an Opposition on January 17, 2012. (*See* Declaration of Julian Hammond ("Hammond Decl.") ¶ 2). The hearing on IKON's Motion to Dismiss and Strike is currently scheduled for April 13, 2012 at 9:00 a.m. (*Id.*).

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

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

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

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Stipulation and altered the date/time of the Case Management Conference and revised the Parties' briefing schedule on such Motions by Order dated January 18, 2012.

Whereas, to accommodate Plaintiffs' counsel's religious observance, which interferes with his ability to appear on April 13, 2012, Plaintiffs requested that IKON stipulate to a continuance (until April 20, 2012) of the above-referenced hearings and Case Management Conference and IKON agreed. (*Id.* at ¶ 7).

Whereas, the Parties have agreed to continue the hearings on the Motion to Dismiss and Strike and the Motion to Stay/Transfer for 7 days and to continue the currently scheduled Case Management Conference for 7 days, such that both hearings and the Case Management Conference are scheduled for April 20, 2012 at 9:00 a.m. (*Id.* at ¶ 8).

Whereas, as of the date of this Stipulation, there have been no other time modifications in this case, with the exception of two other stipulations enlarging the time for IKON to respond to Plaintiffs' complaints (pursuant to Local Rule 6-1(a)) and the stipulation described above. (*Id.* at ¶ 11).

Whereas good cause exists to continue the hearings on the Motion to Dismiss and Strike and the Motion to Stay/Transfer for 7 days, and to continue the currently scheduled Case Management Conference, in view of the fact that Plaintiffs' counsel's religious observance interferes with his ability to appear on the scheduled day. (Id. at \P 7 and 12). Without such a continuance and postponement, Plaintiffs' counsel would otherwise be unable to attend the scheduled hearings on the Motion to Dismiss and Strike and the Motion to Stay/Transfer and the Case Management Conference. (*Id.*).

STIPULATION

Now, therefore, it is hereby stipulated by, between, and among the Parties through their respective counsel, that the hearings on the Motion to Dismiss and Strike and the Motion to Stay/ Transfer and the Case Management Conference (and all related dates) be continued as follows:

(1) The Parties hereby stipulate that the hearings on the Motion to Dismiss and Strike and the Motion to Stay/Transfer be continued 7 days, to April 20, 2012 at 9:00 a.m. (Id. at ¶ 7).

Case3:11-cv-05027-JSW Document47 Filed03/05/12 Page4 of 5 (2) The Parties further agree that the Case Management Conference currently scheduled 1 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 Strike and Motion to Stay/Transfer). The Parties further stipulate and agree and that all dates 4 5 corresponding to the Case Management Conference also be continued and calculated from the new Conference date (e.g., the Parties' Joint Case Management Statement would be due April 6 13, 2012). 7 8 IT IS SO STIPULATED. 9 10 SEYFARTH SHAW LLP DATED: February ___, 2012 11 12 By /s/ Kimberly Brenner Kimberly G. Brener 13 Attorneys for Defendant IKON ÓFFICE SOLUTIONS, INC. 14 15 DATED: February ___, 2012 HAMMONDLAW, PC 16 17 By /s/ Julian Hammond Julian Hammond 18 Attorneys for Plaintiffs TAMMI PELTON CLUCK, CEDRIC HEFFNER, ALAN 19 KABAKOFF, and BRIAN SWANSON 20 21 22 PURSUANT TO STIPULATION, IT IS SO ORDERED. 23 Juy S Whits 24 Dated: March 6, 2012 25

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