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19 Attorneys for Defendants
 20 FRITO-LAY NORTH AMERICA, INC. and
 21 PEPSICO, INC.

22 UNITED STATES DISTRICT COURT
 23
 24 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

25 JESSE HOUGHTAILING,
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 27 Plaintiff,
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 29 v.
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 31 FRITO-LAY NORTH AMERICA, INC., and
 32 PEPSICO, INC., AND DOES 1 TO 100,
 33 inclusive,
 34
 35 Defendants.

CASE NO. 3:11-cv-05062-TEH
 Judge: Hon. Thelton E. Henderson

**STIPULATION AND REQUEST TO
 CONTINUE ENTRY OF DISMISSAL;
~~PROPOSED~~ ORDER GRANTING
 CONTINUANCE**

Action Filed: August 24, 2011
 Removal Filed: October 14, 2011
 Trial Date: None Set

1 TO THIS HONORABLE COURT:

2 Plaintiff Jesse Houghtailing (hereinafter "Plaintiff"), by and through his counsel, and Defendants
3 Frito-Lay North America, Inc. and Pepsico, Inc. ("Defendants"), by and through their counsel, do hereby
4 agree, stipulate, and respectfully request as follows:

5 1. WHEREAS, ON November 19, 2012 the court entered its Order of dismissal, 60 days
6 following, conditioned upon the performance of the settlement agreement or objection by a party;

7 2. WHEREAS, the parties have not finalized the wording of the Release and Settlement
8 Agreement and the consideration has not been exchanged;

9 3. WHEREAS, the parties believe they will be able to finalize the agreement and exchange
10 by February 18, 2013;

11 8. THE PARTIES HEREBY STIPULATE to continue the currently scheduled Dismissal up
12 to and including February 18, 2013, and request to Court to so Order.

13 IT IS SO STIPULATED.

14 Dated: January 15, 2013

DuCHARME & COHEN

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17 By _____
18 *s/ James A. DuCharme*
JAMES A. DuCHARME

19 Attorneys for Plaintiff
JESSE HOUGHTAILING

20 Dated: January 15, 2013

VILLARREAL HUTNER & TODD PC

21
22 By _____
23 */s/ Julie Wong*
24 TRACY S. TODD
JULIE WONG

25 Attorneys for Defendants
26 FRITO-LAY NORTH AMERICA, INC.
27 and PEPSICO, INC.
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1 **ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:**

2 I attest that concurrence in the filing of this document by the signatory Julie Wong, has been
3 obtained, and that a record of the concurrence shall be maintained by Du Charme & Cohen.

4 I declare under penalty of perjury pursuant to the laws of the United States of America that the
5 foregoing is true and correct.

6 Executed at Vallejo, California this 15th day of January, 2013

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9 */s/ James A. Du Charme*

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11 James A. Du Charme
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1 [PROPOSED] ORDER

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3 Having considered the foregoing stipulation of the parties, the Court orders the Dismissal
4 in the instant matter, Houghtailing v. Frito-Lay North America, Inc., et al., case number 3:11-cv-05062-
5 TEH, be continued to February 18, 2013, on the same conditions as this Court's Order of November 19,
6 2012.

7 IT IS SO ORDERED.

8
9 Dated: _____ 01/16, 2013

