

E-Filed 11/30/11

1 PAUL J. HALL (SBN 066084)
 paul.hall@dlapiper.com
 2 ISABELLE L. ORD (SBN 198224)
 isabelle.ord@dlapiper.com
 3 ALEC CIERNY (SBN 275230)
 alec.cierny@dlapiper.com
 4 DLA PIPER LLP (US)
 555 Mission Street, Suite 2400
 5 San Francisco, CA 94105
 Tel: 415.836-2500
 6 Fax: 415.836.2501

7 Attorneys for Defendant
 FIRST BANK OF DELAWARE

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN FRANCISCO DIVISION

12 AMBER KRISTI MARSH and STACIE EVANS,
 13 individually and on behalf of a class of similarly situated
 14 persons,

Plaintiffs,

v.

16 **ZAAZOOM SOLUTIONS, LLC**, a Delaware Limited
 17 Liability Company, **ZAZA PAY LLC**, a Delaware
 18 Limited Liability Company dba Discount Web Member
 Sites, LLC, Unlimited Local Savings, LLC, Web
 19 Discount Club, Web Credit Rpt. Co., MegaOnlineClub,
 LLC, and RaiseMoneyForAnything; **MULTIECOM,**
 20 **LLC**, a Colorado Limited Liability Company dba Online
 Discount Membership, Web Discount Company, and
 Liberty Discount Club; **ONLINE RESOURCE**
 21 **CENTER, LLC**, a Delaware Limited Liability Company
 dba Web Coupon Site, USave Coupon, and UClip; **MOE**
 22 **TASSOUDJI**, an individual, **BILL CUEVAS**, an
 individual, **FIRST BANK OF DELAWARE**, a
 23 Delaware Corporation, **FIRST NATIONAL BANK OF**
CENTRAL TEXAS, a Texas Corporation; **SUNFIRST**
 24 **BANK**, a Utah Corporation; **JACK HENRY &**
ASSOCIATES, INC., a Delaware Corporation dba
 25 ProfitStars; **AUTOMATED ELECTRONIC**
CHECKING, INC., a Nevada Corporation; **DATA**
 26 **PROCESSING SYSTEMS, LLC**, a Delaware Limited
 Liability Company and DOES 1-10, inclusive,

Defendants.

CASE NO. 3:11-cv-05226-RS

STIPULATION AND
[PROPOSED] ORDER TO SET
TIME OF FIRST BANK OF
DELAWARE TO RESPOND
TO SECOND AMENDED
COMPLAINT

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION AND [PROPOSED] ORDER

TO THIS HONORABLE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:

It is hereby stipulated, by and between plaintiffs Amber Kristi Marsh and Stacie Evans (“Plaintiffs”) and defendant First Bank of Delaware, by and through their respective attorneys of record, that, subject to the approval of this Court, the time of First Bank of Delaware to respond to the Second Amended Complaint is extended to and includes December 9, 2011. This Stipulation is based upon the facts:

1. This case previously was pending in the Superior Court of California, County of San Francisco. During that time, defendant First Bank of Delaware was served with the Second Amended Complaint on September 26, 2011.

2. This case was removed to this Court on October 26, 2011 by another defendant.

3. Due to inadvertent clerical oversight and the inadvertent failure of internal procedures for docketing the service of a summons and complaint, First Bank of Delaware did not docket this case when it was served. The service of the summons and complaint and the existence of the Second Amended Complaint was not known to senior management of First Bank of Delaware until November 9, 2011.

5. Subject to the approval of this Court, Plaintiffs and First Bank of Delaware agree that First Bank of Delaware may have an extension of time, to and including December 9, 2011, within which to respond to Plaintiffs’ Second Amended Complaint.

6. Defendant First Bank of Delaware reserves its right to assert any and all defenses to Plaintiffs’ Second Amended Complaint in its response thereto, including but not limited to objections to jurisdiction, and the filing of this Stipulation is without prejudice to the right to assert any and all such defenses.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: November 18, 2011

Dated: November 18, 2011

DLA PIPER LLP (US)

By: /s/ Paul J. Hall
PAUL J. HALL
Attorneys for Defendant
FIRST BANK OF DELAWARE

KROENENBERGER ROSENFELD LLP

By: /s/ Jeffrey M. Rosenfeld
JEFFREY M. ROSENFELD
KARL S. KRONENBERGER
Attorneys for Plaintiffs
AMBER KRISTI MARSH and STACIE
EVANS

I, Paul J. Hall, am the ECF user whose ID and password are being used to file this
STIPULATION AND [PROPOSED] ORDER TO SET TIME OF FIRST BANK OF
DELAWARE TO RESPOND TO SECOND AMENDED COMPLAINT. In compliance with
General Order 45, X.B., I hereby attest that Jeffrey M. Rosenfeld has concurred in this filing.

PROPOSED ORDER

1
2
3 Based on the foregoing stipulation of the Plaintiffs and Defendant First Bank of Delaware,
4 and good cause appearing therefor,

5 **IT IS HEREBY ORDERED** that Defendant First Bank of Delaware shall have an
6 extension of time, to and including December 9, 2011, within which to respond to the Second
7 Amended Complaint.

8 Dated: November 30, 2011.

9
10 

11 _____
12 Honorable Richard Seeborg
13 United States District Judge
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28