

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

THE MEHDI FIRM
AZRA Z. MEHDI (220406)
One Market
Spear Tower, Suite 3600
San Francisco, CA 94105
Telephone: 415/293-8039
Fax: 415/293-8001
Azram@themehdifirm.com

Counsel for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JACKIE L. HIGH, et al.,)	Case No. 3:11-CV-05478-EMC
)	
Plaintiffs,)	<u>CLASS ACTION</u>
vs.)	
)	STIPULATION TO CONTINUE CASE
THE CHOICE MANUFACTURING)	MANAGEMENT CONFERENCE AND
COMPANY, INC., et al.,)	VACATE HEARING ON THE CHOICE
)	MANUFACTURING COMPANY, INC.'S
Defendants.)	MOTION TO SET ASIDE ENTRY OF
)	DEFAULT
)	

1 WHEREAS, on June 27, 2012, the Clerk entered default as to defendant The Choice
2 Manufacturing Company, Inc. a.k.a. The Choice Warranty, Inc. (“Choice”) (Dkt. No. 90);

3 WHEREAS, on July 2, 2012, Choice filed a motion to set aside the entry of default that
4 was set for hearing on August 10, 2012 (Dkt. No. 92);

5 WHEREAS, on July 24 2012, the Court issued an Order Granting Defendants’ Motions
6 to Dismiss (Dkt. Nos. 65, 67) with leave to amend (Dkt. No. 105);

7 WHEREAS, on July 24, 2012, the Court also set a Case Management Conference for
8 August 10, 2012 at 9:00 a.m. and a Joint Case Management Conference Statement to be filed on
9 August 3, 2012;

10 WHEREAS, the parties have been engaged in settlement negotiations and desire to
11 continue to explore and discuss resolution of this matter prior to expending further resources;

12 WHEREAS, plaintiffs have agreed to withdraw their opposition to Choice’s motion to set
13 aside entry of default;

14 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between plaintiffs,
15 MEPCO Finance Corporation, Independent Bank Corporation, The Choice Manufacturing
16 Company, Inc. and Peter Masi through their respective counsel and subject to the Court’s
17 approval that:
18

19 1. The Case Management Conference currently scheduled on August 10, 2012 at
20 9:00 a.m. to be continued to September 14, 2012 or an alternative date that the Court determines
21 suitable;

22 2. No Joint Case Management Statement is currently due. The parties will file a
23 Joint Case Management Statement seven days before the continued Case Management
24 Conference date; and

25 3. The hearing on Choice’s motion to set aside entry of default is vacated.
26

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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: July 31, 2012

Respectfully submitted,

THE MEHDI FIRM

/s/

AZRA Z. MEHDI

One Market
Spear Tower, Suite 3600
San Francisco, CA 94105
Telephone: 415/293-8039
Fax: 415/293-8001

Counsel for Plaintiffs

DATED: July 31, 2012

VARNUM LLP

/s/

RONALD G. DEWAARD (*Pro Hacer Vice*)

333 Bridge Street NW
Grand Rapids, MI 49509
Telephone: 616/336-6000
Fax: 616/336-7000
rgdewaard@varnumlaw.com

Counsel for Defendants Mepco Finance
Corporation and Independent Bank Corporation

DATED: July 31, 2012

LOCKE LORD LLP

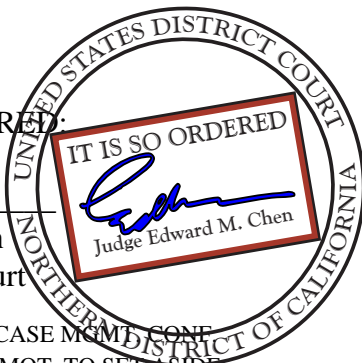
/s/

P. RUSSELL PERDEW (*Pro Hac Vice*)

111 South Wacker Drive
Chicago, IL 60606
Telephone: 312/443-0700
Fax: 312/443-0336
rperdew@lockelord.com

IT IS SO ORDERED:

Edward M. Chen
U.S. District Court



STIP. TO CONTINUE CASE MGMT. CONF. & VACATE HR'G ON MOT. TO SET ASIDE ENTRY OF DEFAULT

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

LOCKE LORDE LLP
SALLY W. MIMMS
44 Montgomery Street, Suite 2400
San Francisco, CA 94104
Telephone: 415/318-8810
Fax: 415/676-5816
smimms@lockelord.com
Counsel for Defendant Peter Masi

Pursuant to General Order No. 45 Section X(B), all signatories concur in filing
Stipulation to Continue Case Management Conference.

Dated: July 31, 2012

/s/
AZRA Z. MEHDI

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

CERTIFICATE OF SERVICE

I hereby certify that on July 31, 2012, I authorized the electronic filing of the Stipulation to Continue Case Management Conference and Vacate Hearing on The Choice Manufacturing Company, Inc.'s Motion to Set Aside Entry of Default, with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the attached Electronic Mail Notice List.

I also hereby certify that on July 31, 2012, I caused to be e-mailed the foregoing document to:

Ronald G. DeWaard
VARNUM LLP
333 Bridge Street NW
Grand Rapids, MI 49509
rgdewaard@varnumlaw.com

the non-CM/ECF participant indicated on the attached Manual Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed on July 31, 2012.

/s/
AZRA Z. MEHDI

Mailing Information for a Case 3:11-cv-05478-EMC

Electronic Mail Notice List

The following are those who are currently on the list to receive e-mail notices for this case.

- **Loretta Alva**
azram@themehdifirm.com
- **Spencer Wood Christensen**
schristensen@downeybrand.com,afrench@downeybrand.com
- **Brion B Doyle**
bbdoyle@varnumlaw.com
- **Jamie Paul Dreher**
jdreher@downeybrand.com
- **Regina Jill McClendon**
rmclendon@lockelord.com,lgondreau@lockelord.com
- **Azra Z. Mehdi**
azram@themehdifirm.com,ghamilton@themehdifirm.com
- **Sally Weiss Mimms**
smimms@lockelord.com,lgondreau@lockelord.com
- **Travis Peavy**
azram@themehdifirm.com
- **Phillip Russell Perdew**
rperdew@lockelord.com,jastaton@lockelord.com,till@lockelord.com,chicagodocket@lockelord.com

Manual Notice List

The following is the list of attorneys who are **not** on the list to receive e-mail notices for this case (who therefore require manual noticing). You may wish to use your mouse to select and copy this list into your word processing program in order to create notices or labels for these recipients.

Ronald G. DeWaard
Varnum LLP
Bridgewater Place
P.O. Box 352
Grand Rapids, MI 59501-0355

The Choice Manufacturing Company, Inc.
777 Corporate Drive
Mahwah, NJ 07430