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18 Attorneys for Defendants
 19 MEPCO FINANCE CORPORATION and
 20 INDEPENDENT BANK CORPORATION

21 UNITED STATES DISTRICT COURT
 22 NORTHERN DISTRICT OF CALIFORNIA

23 JACKIE L. HIGH, *et al.* on Behalf of
 24 Themselves and All Others Similarly
 25 Situated,

26 Plaintiff,

27 v.

28 THE CHOICE MANUFACTURING
 29 COMPANY, INC., MEPCO FINANCE
 30 CORPORATION, and DOES 3 through 20,
 31 inclusive,

32 Defendants.

Case No. CV 11 5478

**STIPULATION TO EXTEND TIME TO
 RESPOND TO PLAINTIFFS' SECOND
 AMENDED COMPLAINT ; ORDER**

33 Pursuant to Civil Local Rule 6-1(a) and 7(1) – (3), Defendants MEPCO Finance
 34 Corporation (“MEPCO”) and Independent Bank Corporation (“IBC”), by and through their
 35 respective counsel Downey Brand LLP, and Plaintiffs Jackie L. High, Travis Peavy and Loretta
 36 Alva (“Plaintiffs”), by and through their respective counsel The Mehdi Firm, hereby stipulate as
 37 follows:

1 WHEREAS, on May 10, 2012, Plaintiffs filed their Second Amended Complaint (“SAC”)
2 against The Choice Manufacturing Company, Inc. (“Choice”), MEPCO, IBC, Peter Masi, Darain
3 Atkinson and Cory Atkinson in the above-referenced matter;

4 WHEREAS, Plaintiffs served MEPCO with the SAC on May 10, 2012;

5 WHEREAS, on May 11, 2012, counsel for plaintiffs requested waiver of service of
6 process on IBC from counsel for MEPCO if they were also representing IBC, to which
7 plaintiffs received no response and hence are in the process of executing service of
8 process on IBS;

9 WHEREAS, MEPCO currently has until May 29, 2012 to answer or respond to Plaintiffs’
10 SAC;

11 WHEREAS, MEPCO has requested and Plaintiffs have consented to an additional 10 days
12 for MEPCO’s answer or response to the SAC.

13 WHEREAS, the extension will not alter the date of any event or any deadline currently set
14 by the Court;

15 WHEREAS, notwithstanding the status of the service of process on IBC, MEPCO, IBC
16 and Plaintiffs desire to stipulate to a briefing schedule should MEPCO and IBC respond to the
17 SAC with a motion to dismiss;

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by and between undersigned
19 counsel for the parties, that MEPCO and IBC shall answer or otherwise respond to Plaintiffs’
20 SAC by June 8, 2012.

21 IT IS FURTHER STIPULATED by and between undersigned counsel for the parties, that
22 if MEPCO and IBC respond by filing a motion to dismiss:

23 (1) Plaintiffs Opposition Brief will be filed with the Court and served on MEPCO and
24 IBC by July 6, 2012;

25 (2) MEPCO and IBC’s Reply Brief will be filed with the Court and served on Plaintiffs
26 by July 20, 2012;

27 (3) MEPCO, IBC and Plaintiffs will meet and confer with each other and agree upon a
28 hearing date for any motion to dismiss.

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DATED: May 24 , 2012

DOWNEY BRAND LLP

By: /s/ Spencer W. Christensen
 SPENCER W. CHRISTENSEN
 Attorney for Defendant
 MEPCO FINANCE CORPORATION

DATED: May 24, 2012

THE MEHDI FIRM

By: /s/ Azra Mehdi
 AZRA MEHDI
 Attorney for Plaintiffs
 JACKIE L. HIGH, TRAVIS PEAVY, and LORETTA
 ALVA individually and on Behalf of All Others
 Similarly Situated

Pursuant to General Order No. 45 Section X(B), all signatories concur in filing this stipulation.

Dated: May 23, 2012

By: /s/ Spencer W. Christensen

[PROPOSED] ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED

Dated: June 1, 2012

