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18 | Attorneys for Defendant RED ROBIN INTERNATIONAL, INC

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

22 ELDER E. CIFUENTES, an individual, ) Case No. C 11-05635 EMC  
23 appearing on behalf of himself and all others )  
similarly situated, )

24 Plaintiff, } BRIEFING SCHEDULE RE MOTION  
TO REMAND: [PROPOSED] ORDER

26 RED ROBIN INTERNATIONAL, INC., a ) Complaint Filed: October 4, 2011  
Nevada corporation; and DOES 1 through 25. )

27 Defendants.

1 Pursuant to L.R. 6-2 and 7-12, Plaintiff Elder E. Cifuentes (“Plaintiff”) and Defendant  
2 Red Robin International, Inc. (“Red Robin”) (collectively, “the Parties”), by and through their  
3 undersigned counsel, hereby stipulate as follows:

4 WHEREAS, Red Robin removed this case to the United States District Court for the  
5 Northern District of California on November 21, 2011;

6 WHEREAS, Plaintiff filed a Motion to Remand the instant action on December 20, 2011;

7 WHEREAS, pursuant to the Local Rules of the United States District Court for the  
8 Northern District of California, Red Robin’s response to the Motion to Remand is currently due  
9 on January 3, 2012;

10 WHEREAS, the attorney and partner primarily responsible for this matter, Timothy M.  
11 Rusche, will be out of the country until January 3, 2012, with limited access to computer  
12 resources and no access to evidentiary material;

13 WHEREAS, the upcoming Holidays severely limit Defense Counsel’s ability to reach out  
14 to the necessary business and administrative personnel at Red Robin and to collect any additional  
15 evidence needed to respond to the various arguments raised in Plaintiff’s Motion to Remand;

16 WHEREAS, the unavailability of its counsel and employees due to the Holiday season  
17 and its resulting inability to adequately prepare an opposition to Plaintiff’s Motion to Remand  
18 absent an extension would severely prejudice Red Robin;

19 WHEREAS, although Plaintiff stresses his intention to pursue the Motion to Remand,  
20 Plaintiff joins this stipulation in the interest of professional courtesy; and

21 WHEREAS, there have been no other time modifications in this case, a scheduling order  
22 has not issued, a discovery deadline has not been set, and trial has not been scheduled, and,  
23 therefore, the time modification to which the Parties stipulate herein will not adversely affect the  
24 timetable for the case.

25 NOW, THEREFORE, based on the foregoing and for good cause shown, the Parties  
26 agree and stipulate that:

27 1. The deadline for Red Robin’s response to Plaintiff’s Motion to Remand shall be  
28 moved from January 3, 2012 to January 10, 2012;

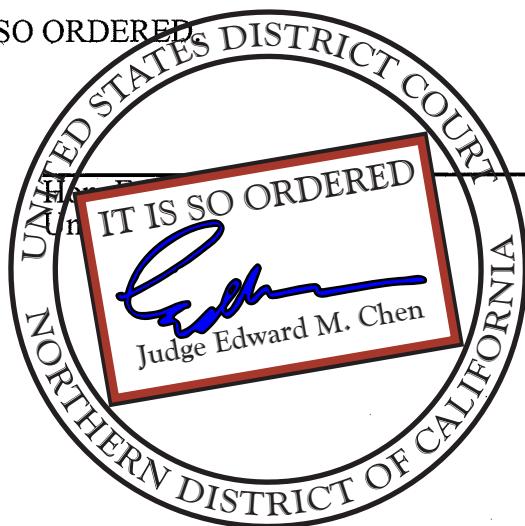


**[PROPOSED] ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/22/11

12/22/11



## PROOF OF SERVICE

2 STATE OF CALIFORNIA )  
3 COUNTY OF LOS ANGELES )  
 ) SS

4 I am a resident of the State of California, over the age of eighteen years, and not a party  
5 to the within action. My business address is 333 S. Hope Street, Suite 3900, Los Angeles,  
California 90071. On December 21, 2011, I served the within documents:

**JOINT STIPULATION TO EXTEND BRIEFING SCHEDULE RE MOTION TO  
REMAND; [PROPOSED] ORDER**

8  by placing the document(s) listed above in a sealed envelope with postage thereon fully  
prepaid, in the United States mail at Los Angeles, addressed as set forth below.

9  by personally delivering the document(s) listed above to the person(s) at the  
address(es) set forth below.

10  by transmitting the document(s) listed above, electronically, via the e-mail addresses  
11 set forth below.

12  by placing the document(s) listed above, together with an unsigned copy of this  
13 declaration, in a sealed Federal Express envelope with postage paid on account and  
deposited with Federal Express at Los Angeles, California, addressed as set forth  
14 below.

15  electronically by using the Court's ECF/CM System.

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*Attorneys for Plaintiff*

20 I am readily familiar with the firm's practice of collection and processing correspondence  
21 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
22 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
motion of the party served, service is presumed invalid if postal cancellation date or postage  
meter date is more than one day after the date of deposit for mailing in affidavit.

23 I declare that I am employed in the office of a member of the bar of this court whose  
24 direction the service was made.

25 Executed on December 21, 2011, at Los Angeles, California.

Ellen & Berre

Elsa J. Terre