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Attorneys for Defendant RED ROBIN INTERNATIONAL, INC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ELDER E. CIFUENTES, an individual,
 appearing on behalf of himself and all others
 similarly situated,

Plaintiff,

v.

RED ROBIN INTERNATIONAL, INC., a
 Nevada corporation; and DOES 1 through 25,

Defendants.

) Case No. C 11-05635 EMC
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**JOINT STIPULATION TO EXTEND
 BRIEFING SCHEDULE RE MOTION
 TO REMAND; [PROPOSED] ORDER**

) Complaint Filed: October 4, 2011
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)
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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;

1 2. The deadline for Plaintiff to reply to Red Robin's response shall be moved from
2 January 10, 2012 to January 17, 2012;

3 3. The hearing on the Motion to Remand shall be moved from January 27, 2012 to
4 February 3, 2012, at 1:30 p.m.

5
6 IT IS SO STIPULATED.

7
8 DATED: December 21, 2011

LAW OFFICE OF GREGG A. FARLEY

9
10 By /s/ Gregg A. Farley
Gregg A. Farley

11 Attorney for Plaintiff
ELDER E. CIFUENTES

12
13 DATED: December 21, 2011

SEYFARTH SHAW LLP

14
15 By /s/ Timothy M. Rusche
Timothy M. Rusche

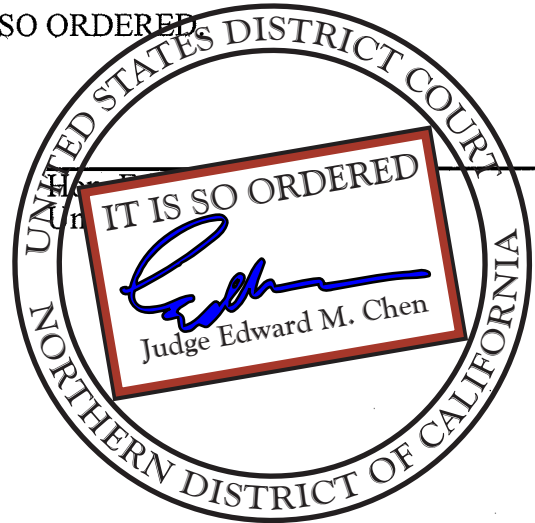
16 Attorneys for Defendant
RED ROBIN INTERNATIONAL, INC.

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~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 12/22/11 _____



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I am a resident of the State of California, over the age of eighteen years, and not a party 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:

☐ 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.

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

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

☐ by placing the document(s) listed above, together with an unsigned copy of this 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 below.

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

Attorneys for Plaintiff

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

Wm J. Berre

Elsa J. Terre