1 2 3 4 5 6 7 8	<ul> <li>SHEPPARD, MULLIN, RICHTER &amp; HAMPTON LLP A Limited Liability Partnership Including Professional Corporations</li> <li>NEIL A.F. POPOVIĆ, Cal. Bar No. 132403 npopovic@sheppardmullin.com LAI L. YIP, Cal. Bar No. 258029 lyip@sheppardmullin.com</li> <li>Four Embarcadero Center, 17th Floor San Francisco, California 94111-4109</li> <li>Telephone: 415.434.9100</li> <li>Facsimile: 415.434.3947</li> <li>Attorneys for Defendant The FRS Company</li> </ul>		
9	UNITED STATES DISTRICT COURT		
	NORTHERN DISTRICT OF CALIFORNIA		
10	LAWRENCE BRANDON, on behalf of	Case No. 3:11-cv-06639-RS	
11	himself and all others similarly situated,	The Hon. Richard Seeborg	
12	Plaintiff,	STIPULATION AND [PROPOSED]	
13	V.	ORDER TO FURTHER EXTEND STAY PENDING SETTLEMENT DISCUSSIONS AND INFORMAL	
14 15	The FRS Company, d/b/a The FRS Healthy Energy Company,	DISCUSSIONS AND INFORMAL DISCOVERY, AND TO CONTINUE	
15	Defendant.	CASE MANAGEMENT CONFERENCE	
10		[No Hearing Required]	
17		Complaint Filed: December 23, 2011 Trial Date: None Set	
18		Inal Date. None Set	
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	W02-WEST:5LLY1\406278321.1 Case No. 3:11-cv-06639-RS	STIPULATION AND ORDER TO FURTHER EXTEND STAY AND CONTINUE CASE MANAGEMENT CONFERENCE DOCKETS. JUSTIA.com	

## **STIPULATION**

WHEREAS plaintiff Lawrence Brandon and defendant The FRS Company
("FRS") seek to further extend the stay of this case, for an additional forty-five (45) days,
to continue pursuing settlement discussions and exchange limited informal discovery in
furtherance of those discussions;

WHEREAS the only time modifications in this case to date are: (1) the 6 Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April 7 8 12, 2012, after reassignment to Judge Seeborg (Dkt # 7); (2) the parties' stipulation to 9 extend time for FRS to respond to the complaint, to February 24, 2012 (Dkt #8); (3) the parties' stipulation to extend the briefing schedule for FRS's Motion to Strike Portions of 10 11 Complaint ("Motion"), such that plaintiff's opposition would be due March 16, 2012 and 12 FRS's reply would be due March 29, 2012 (Dkt #12); (4) the parties' stipulation and Court's Order to stay the case for sixty (60) days, up to and including May 21, 2012, 13 14 which, among other things, continued the Case Management Conference from April 12, 15 2012 to June 21, 2012 (Dkt #18); and (5) the parties' stipulation and Court's Order to 16 extend the stay of the case for seventy-five (75) days, up to and including August 6, 2012, 17 which, among other things, continued the Case Management Conference from June 21, 18 2012 to September 6, 2012 (Dkt #20);

19 WHEREAS a stay of the case for an additional forty-five (45) days would 20 only affect the schedule of the case by (1) staying the case up to and including September 21 20, 2012; (2) lifting the stay on September 21, 2012; (3) extending the deadline for FRS to file its reply in support of the Motion from August 20, 2012 to October 4, 2012, thirteen 22 23 days after the stay is lifted; (4) continuing the hearing on the Motion from September 6, 24 2012 to October 25, 2012, or a subsequent date convenient to the Court; (5) continuing the 25 Case Management Conference from September 6, 2012 to October 25, 2012, or a subsequent date convenient to the Court; and (6) extending the deadline for the parties to 26 file their respective ADR Certifications to September 24, 2012, three days after the stay is 27 28 lifted;

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1	THEREFORE, pursuant to Local Rules 6-2, 7-12, and 16-2(e), and Judge		
2	Seeborg's Standing Order Re: Initial Case Management, the parties through their		
3	undersigned counsel stipulate, subject to the Court's approval, as follows:		
4	(1) the case is stayed for an additional forty-five (45) days, up to and		
5	including September 20, 2012;		
6	(2) the stay will be lifted on September 21, 2012;		
7	(3) the deadline for FRS to file its reply in support of the Motion is		
8	extended to October 4, 2012;		
9			
	(4) the hearing on the Motion is continued from September 6, 2012 at		
10	1:30 p.m. to October 25, 2012 at 1:30 p.m., or whatever subsequent date and time is		
11	convenient to the Court;		
12	(5) the Case Management Conference is continued from September 6, 1:30 p.m.		
13	2012 at 10:00 a.m. to October 25, 2012 at 10:00 a.m., or whatever subsequent date and		
14	time is convenient to the Court; and		
15	(6) the deadline for the parties to file their respective ADR Certifications		
16	is extended to September 24, 2012.		
17	Dated: August 7, 2012		
18	FINKELSTEIN THOMPSON LLP		
19			
20	By /s/ Rosemary M. Rivas		
21	ROSEMARY M. RIVAS		
22	Attorneys for Plaintiff LAWRENCE BRANDON		
23	Detade August 7, 2012		
24	Dated: August 7, 2012		
25	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP		
	n (s/ Nail 4 E. Ponoviá		
26	By /s/ Neil A.F. Popović NEIL A.F. POPOVIĆ		
27	Attorneys for Defendant		
28	8 THE FRS COMPANY -2-		
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1 CERTIFICATION				
2	I, Neil A.F. Popović, am the EC	I, Neil A.F. Popović, am the ECF User whose identification and password		
3	are being used to file this STIPULATION AND [PROPOSED] ORDER TO FURTHER			
4 EXTEND STAY PENDING SETTLEMENT DISCUSSIONS AND INFORMA				
5	<ul> <li>5 DISCOVERY, AND TO CONTINUE CASE MANAGEMENT CONFERENCE.</li> <li>6 Pursuant to General Order 45, section X.B, I attest that Rosemary M. Rivas has control of the section of the</li></ul>			
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7				
8	Dated: August 7, 2012			
9	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP			
10				
11	By	/s/ Neil A.F. Popović NEIL A.F. POPOVIĆ		
12		Attorneys for Defendant		
13		THE FRS COMPANY		
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1	[PROPOSED] ORDER			
2	Having considered the Stipulation and [Proposed] Order to Further Extend			
3	Stay Pending Settlement Discussions and Informal Discovery; and to Continue Case			
4	Management Conference entered into by plaintiff Lawrence Brandon and defendant The			
5	FRS Company ("FRS"), and good cause appearing therefor,			
6	IT IS ORDERED THAT:			
7	(1) the case is stayed for forty-five days, up to and including September			
8	20, 2012;			
9	(2) the stay will be lifted on September 21, 2012;			
10	(3) the deadline for FRS to file its reply in support of its Motion to Strike			
11	Portions of Complaint ("Motion") is extended to October 4, 2012;			
12	(4) the hearing on the Motion is continued from September 6, 2012 at			
13	1:30 p.m. to October 25, 2012 at 1:30 p.m.;			
14	(5) the Case Management Conference is continued from September 6, 1:30 p.m.			
15				
16	(6) the deadline for the parties to file their respective ADR Certifications			
17	is extended to September 24, 2012.			
18	PURSUANT TO STIPULATION, IT IS SO ORDERED.			
19	Rip 1 9/7/12			
20	Dated: <u>8/7/12</u>			
21	Honorable Richard Seeborg United States District Judge			
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