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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 LAWRENCE BRANDON, on behalf of
 himself and all others similarly situated,

12 Plaintiff,

13 v.

14 The FRS Company, d/b/a The FRS
 15 Healthy Energy Company,

16 Defendant.

Case No. 3:11-cv-06639-RS

The Hon. Richard Seeborg

**STIPULATION AND ~~PROPOSED~~
 ORDER TO FURTHER EXTEND
 STAY PENDING SETTLEMENT
 DISCUSSIONS AND INFORMAL
 DISCOVERY, AND TO CONTINUE
 CASE MANAGEMENT
 CONFERENCE**

[No Hearing Required]

Complaint Filed: December 23, 2011
 Trial Date: None Set

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1 **STIPULATION**

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

6 WHEREAS the only time modifications in this case to date are: (1) the
7 Clerk's notice rescheduling the Case Management Conference from April 5, 2012 to April
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
10 parties' stipulation to extend the briefing schedule for FRS's Motion to Strike Portions of
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
13 Court's Order to stay the case for sixty (60) days, up to and including May 21, 2012,
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
22 file its reply in support of the Motion from August 20, 2012 to October 4, 2012, thirteen
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
26 subsequent date convenient to the Court; and (6) extending the deadline for the parties to
27 file their respective ADR Certifications to September 24, 2012, three days after the stay is
28 lifted;

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,
15 2012 at 10:00 a.m. to October 25, 2012 at ~~10:00 a.m.~~ 1:30 p.m.; and
- 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.

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20 Dated: 8/7/12 _____



21 Honorable Richard Seeborg
22 United States District Judge