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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SCOTT KOLLER, AN INDIVIDUAL, ON
BEHALF OF HIMSELF, THE GENERAL
PUBLIC, AND THOSE SIMILARLY
SITUATED,

PLAINTIFF,

V.

WEST BAY ACQUISITIONS, LLC;
CHRISTOPHER RUNCI, LLC; CHRISTOPHER
RUNCI; TODD HARRAKA, INCLUSIVE,

DEFENDANTS.

CASE NO. 12-cv-00117 (CRB)

JOINT STIPULATION AND ~~PROPOSED~~
ORDER RE LEAVE TO CONDUCT
JURISDICTIONAL DISCOVERY AND FILE
SECOND AMENDED COMPLAINT

Judge: Hon. Charles R. Breyer

STIPULATION AND PROPOSED ORDER

Pursuant to United States District Court, Northern District of California Local Rule 7-11, Plaintiff Scott Koller (“Plaintiff”) and Defendants West Bay Acquisitions, LLC, Christopher Runci, LLC, Christopher Runci, and Todd Harraka (collectively “Defendants”), by and through their respective counsel of record, stipulate and request as follows:

WHEREAS, Plaintiff filed his Complaint on January 6, 2012;

WHEREAS, Defendants were served with the Complaint on January 10, 2012;

WHEREAS, Defendants moved to dismiss on March 2, 2012 (Dkt.# 15);

WHEREAS, this Court issued an order granting in part and denying in part Defendant’s motion to dismiss on April 9, 2012, with leave to amend (Dkt.# 21);

WHEREAS, Plaintiff filed a first amended complaint on May 3, 2012 (Dkt.# 22);

WHEREAS, Defendants filed a second motion to dismiss on May 23, 2012 (Dkt.## 30, 31);

WHEREAS, this Court issued an order granting in part and denying in part Defendants’ second motion to dismiss on July 11, 2012 (Dkt.# 39);

WHEREAS, in the July 11 order, the Court dismissed, without prejudice, Plaintiff’s claims as to Defendants Christopher Runci and Todd Harraka, but granted 60-days leave to conduct jurisdictional discovery and, if desired, file a second amended complaint (Id.);

WHEREAS, the parties’ discovery efforts are subject to numerous disputes, which will likely necessitate a motion to compel;

WHEREAS, the parties have agreed to hold in abeyance their discovery disputes pending the outcome of Court ordered mediation, which is currently scheduled for September 21; and

WHEREAS, the parties desire to continue the 60-day deadline for Plaintiff to conduct jurisdictional discovery and, if desired, file a second amended complaint until after their September 21 mediation.

THEREFORE, the parties jointly stipulate that Plaintiff shall have until, and including, November 20, 2012 to conduct jurisdiction discovery and, if desired, file a second amended complaint.

In accordance with N.D. Cal. General Order No. 45, Section X, the filer of this document

1 hereby attests that the concurrence to the filing of this document has been obtained from the other
2 signatory hereto.

3 Dated: September 11, 2012

4 ELLIS LAW GROUP, LLP

5 By /s/
6 Andrew Steinheimer
7 Attorney for Defendants
8 WEST BAY ACQUISTIONS, LLC;
9 CHRISTOPHTER RUNC, LLC; CHRISTOPHER
10 RUNC AND TODD HARRAKA

11 Dated: September 11, 2012

12 GUTRIDE SAFIER, LLP

13 By /s/
14 Seth Safier
15 Attorney for Plaintiff
16 SCOTT KOLLER
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1 Having reviewed the foregoing Stipulation submitted by the parties and good cause
2 appearing therefore, the Court hereby adopts the terms set forth above as the Order of the Court.

3 IT IS SO ORDERED.

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5 DATED: September 14, 2012

