1 2 3 4 5 6 7 8	 SHEPPARD MULLIN RICHTER & HAN A Limited Liability Partnership Including Professional Corporations MOE KESHAVARZI, Cal. Bar No. 2237 mkeshavarzi@sheppardmullin.com GREGORY A. LONG, Cal. Bar No. 5764 glong@sheppardmullin.com 333 South Hope Street, 48th Floor Los Angeles, California 90071-1448 Telephone: 213-620-1780 Facsimile: 213-620-1398 SHEPPARD, MULLIN, RICHTER & HA A Limited Liability Partnership Including Professional Corporations LAI L. YIP, Cal. Bar No. 258029 	59 -2			
9 10 11	lyip@sheppardmullin.com Four Embarcadero Center, 17th Floor San Francisco, California 94111-4109 Telephone: 415.434.9100 Facsimile: 415.434.3947				
12 13	Attorneys for Defendants J. C. PENNEY CORPORATION, INC. and J. C. PENNEY COMPANY, INC.				
14	UNITED STATES DISTRICT COURT				
15	NORTHERN DISTRI	CT OF CALIFORNIA			
16	SAN FRANCISCO DIVISION				
17 18	MARIA TORRES, GABRIEL ROJAS and IAN KERNER, individually and on behalf of all others similarly situated,	Case No. 3:12-cv-01105-RS The Hon. Richard Seeborg			
19	Plaintiffs,	STIPULATION TO FURTHER CONTINUE CASE MANAGEMENT			
20	V.	CONFERENCE AND SET BRIEFING SCHEDULE;			
21	JC PENNEY CORPORATION, INC.; and JC PENNEY COMPANY INC.,	[PROPOSED] ORDER Complaint Filed: March 5, 2012			
22	Defendants.				
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20		Case No. 3:12-cv-01105-RS			
	SMRH:407173235.1 STIPULATION TO FURTHER CONTINUE CASE MANAGEMENT CONFERENCE AND SET BRIEFING SCHEDULE; [PROPOSED] ORDER Dockets.Justia.com				

1	STIPULATION
2	WHEREAS, the Case Management Conference in this case is currently
3	set for October 25, 2012 at 10:00 a.m.;
4	WHEREAS, the Court has ordered that plaintiffs Maria Torres, Gabriel
5	Rojas, and Ian Kerner (collectively, "Plaintiffs") have until October 22, 2012 to file
6	an amended complaint in this action (Dkt #32);
7	WHEREAS, defendants J.C. Penney Corporation, Inc. and J.C. Penney
8	Company, Inc. (collectively, "JCPenney") anticipate filing a motion to dismiss
9	Plaintiffs' amended complaint;
10	WHEREAS, the only time modifications in this case have been the
11	continuance of the Case Management Conference from July 19, 2012 at 10:00 a.m.
12	to September 13, 2012 at 1:30 p.m. (Dkt #21); the further continuance of the Case
13	Management Conference from September 13, 2012 at 1:30 p.m. to October 25, 2012
14	at 10:00 a.m. (Dkt #27); and the continuance of the hearing on JCPenney's motion
15	to dismiss and motion to strike portions of the complaint from September 13, 2012
16	at 1:30 p.m. to September 27, 2012 at 1:30 p.m. (Dkt #28);
17	WHEREAS, the parties have met and conferred and agree that the Case
18	Management Conference should be deferred until after the Court has ruled on
19	JCPenney's anticipated motion to dismiss Plaintiffs' amended complaint because it
20	will serve judicial economy, as the Court's ruling will impact issues addressed in the
21	Case Management Conference statement (including length of trial, trial date,
22	deadline to complete discovery and whether this action will proceed as a class
23	action);
24	THEREFORE, pursuant to Local Rules 6-2 and 16-2(e), and Judge
25	Seeborg's Standing Order Re: Initial Case Management, the parties through their
26	undersigned counsel stipulate, subject to the Court's approval, that:
27	1. JCPenney's motion to dismiss Plaintiffs' amended complaint is
28	due November 19, 2012;
	-1- Case No. 3:12-cv-01105-RS

1	2. Plaintiffs' opposition to JCPenney's motion is due December 3,		
2	2012;		
3	3. JCPenney's reply in support of its motion is due December 10,		
4	2012;		
5	4. the hearing on JCPenney's motion is set to January 17, 2013 at		
6	1:30 p.m., or as soon thereafter as is convenient to the Court; and		
7	5. the Case Management Conference is continued from October 25,		
8	2012 at 10:00 a.m. to February 7, 2013 at 10:00 a.m., or as soon thereafter as is		
9	convenient to the Court.		
10	Dated: October 16, 2012 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP		
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12	By /s/ Moe Keshavarzi		
13	MOE KESHAVARZI		
14	Attorneys for Defendant J. C. PENNEY CORPORATION, INC. and		
15	J. C. PENNEY COMPANY, INC.		
16	Dated: October 16, 2012 BAKER LAW PC		
17			
18	By /s/ G. Richard Baker		
19	G. RICHARD BAKER		
20	Attorneys for Plaintiffs MARIA TORRES, GABRIEL ROJAS, and		
21	IAN KERNER		
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	-2- Case No. 3:12-cv-01105-RS		
	SMRH:407173235.1 STIPULATION TO FURTHER CONTINUE CASE MANAGEMENT CONFERENCE AND SET BRIEFING SCHEDULE; [PROPOSED] ORDER		

1	CERTIFICATION		
2	I, Moe Keshavarzi, am the ECF User whose identification and		
3	password are being used to file	password are being used to file this STIPULATION TO FURTHER CONTINUE	
4	CASE MANAGEMENT CONFERENCE; [PROPOSED] ORDER. Pursuant to		
5	General Order 45, section X.B, I attest that G. Richard Baker has concurred in this		
6	filing.		
7	Dated: October 16, 2012	SHEPPARD, MULLIN, RICHTER & HAMPTON LLP	
8			
9]	By /s/ Moe Keshavarzi	
10		MOE KESHAVARZI Attorneys for Defendant	
11		J. C. PENNEY CORPORATION, INC. and	
12		J. C. PENNEY COMPANY, INC.	
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	SMRH:407173235.1 STIPULATION	-3- Case No. 3:12-cv-01105-RS TO FURTHER CONTINUE CASE MANAGEMENT CONFERENCE AND	
		SET BRIEFING SCHEDULE; [PROPOSED] ORDER	

1	<u> [PROPOSED] ORDER</u>		
2	Having considered the Stipulation to Further Continue Case		
3	Management Conference and Set Briefing Schedule entered into by plaintiffs Maria		
4	Torres, Gabriel Rojas, and Ian Kerner and defendants J. C. Penney Corporation, Inc.		
5	and J. C. Penney Company, Inc., and good cause appearing therefor,		
6	IT IS ORDERED THAT:		
7	1. JCPenney's motion to dismiss Plaintiffs' amended complaint is		
8	due November 19, 2012;		
9	2. Plaintiffs' opposition to JCPenney's motion is due December 3,		
10	2012;		
11	3. JCPenney's reply in support of its motion is due December 10,		
12	2012;		
13	4. the hearing on JCPenney's motion is set to January 17, 2013 at		
14	1:30 p.m.; and		
15	5. the Case Management Conference is continued from October 25,		
16	5 2012 at 10:00 a.m. to February 7, 2013 at 10:00 a.m.		
17	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
18	21191		
19	Dated: _10/16/12		
20	Honorable Richard Seeborg United States District Judge		
21	Cinted States District stage		
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	Case No. 3:12-cv-01105-RS SMRH:407173235.1 STIPULATION TO FURTHER CONTINUE CASE MANAGEMENT CONFERENCE AND		
	SET BRIEFING SCHEDULE: [PROPOSED] ORDER		