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12 Attorneys for Defendants
 J. C. PENNEY CORPORATION, INC. and
 13 J. C. PENNEY COMPANY, INC.

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION

17 MARIA TORRES, GABRIEL ROJAS
 and IAN KERNER, individually and on
 18 behalf of all others similarly situated,

19 Plaintiffs,

20 v.

21 JC PENNEY CORPORATION, INC. ;
 and JC PENNEY COMPANY INC.,

22 Defendants.
 23

Case No. 3:12-cv-01105-RS
 The Hon. Richard Seeborg

**STIPULATION TO FURTHER
 CONTINUE CASE MANAGEMENT
 CONFERENCE AND SET
 BRIEFING SCHEDULE;
 [PROPOSED] ORDER**

Complaint Filed: March 5, 2012

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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;

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[PROPOSED] ORDER

Having considered the Stipulation to Further Continue Case Management Conference and Set Briefing Schedule entered into by plaintiffs Maria Torres, Gabriel Rojas, and Ian Kerner and defendants J. C. Penney Corporation, Inc. and J. C. Penney Company, Inc., and good cause appearing therefor,

IT IS ORDERED THAT:

- 1. JCPenney’s motion to dismiss Plaintiffs’ amended complaint is due November 19, 2012;
- 2. Plaintiffs’ opposition to JCPenney’s motion is due December 3, 2012;
- 3. JCPenney’s reply in support of its motion is due December 10, 2012;
- 4. the hearing on JCPenney’s motion is set to January 17, 2013 at 1:30 p.m.; and
- 5. the Case Management Conference is continued from October 25, 2012 at 10:00 a.m. to February 7, 2013 at 10:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/16/12



Honorable Richard Seeborg
United States District Judge