	Case3:12-cv-01118-JSW Document28	Filed10/11/12 Page1 of 5		
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6 7	Attorneys for Defendants DISCOVER FINANCIAL SERVICES, DFS SERVICES LLC and DISCOVER BANK			
8	UNITED STATES DISTRICT COURT			
9	NORTHERN DISTRICT OF CALIFORNIA			
10				
11	ANDREW STEINFELD, on behalf of himself ) and all others similarly situated, )	Case No. 3:12-cv-01118-JSW		
12	) Plaintiff, )	[Assigned to the Hon. Jeffrey S. White]		
13	vs.	STIPULATION AND [PROPOSED]		
14	) DISCOVER FINANCIAL SERVICES, DFS SERVICES LLC, and DISCOVER BANK, )	ORDER TO CONTINUE DEADLINE FOR DEFENDANTS TO RESPOND TO COMPLAINT FROM OCTOBER 11, 2012		
15	Defendants.	TO DECEMBER 11, 2012 AND INITIAL CASE MANAGEMENT CONFERENCE		
16	)	FROM NOVEMBER 16, 2012 TO JANUARY 18, 2013		
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28		STIPULATION AND [ <del>PROPOSED]</del> ORDER TO CONTINUE DEADLINE TO RESPOND TO COMPLAINT Case No. 3:12-cv-01118-JSW		
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## Case3:12-cv-01118-JSW Document28 Filed10/11/12 Page2 of 5

STROOCK & STROOCK & LAVAN LLP Los Angeles, California 90067-3086 2029 Century Park East

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Plaintiff Andrew Steinfeld and Defendants Discover Financial Services, DFS Financial 1 2 Services, LLC, and Discover Bank (collectively, "Defendants"), through their undersigned counsel, 3 hereby stipulate as follows:

WHEREAS, Plaintiff Steinfeld filed his Class Action Complaint for Damages and 4 5 Injunctive Relief Pursuant to 47 U.S.C. § 227, et seq. (Telephone Consumer Protection Act) on March 6, 2012; 6

WHEREAS, pursuant to Stipulation and Order so that the parties could attend mediation before the Honorable Carl West (Ret.) of JAMS, the Court set August 16, 2012, as the last day for Defendants to file and serve an answer or a motion under Rule 12 of the Federal Rules of Civil 9 10 Procedure (Dkt. No. 19);

WHEREAS, the Court set an Initial Case Management Conference for September 21, 2012, at 1:30 p.m. (Dkt. No. 19);

WHEREAS, the parties had constructive sessions on May 31, 2012, and July 10, 2012, and follow-up teleconferences with Judge West on July 24, 2012, and August 6, 2012, but were not able to finally resolve the matter;

WHEREAS, the parties scheduled a mediation with Judge West for September 27, 2012 to 16 continue discussions; 17

18 WHEREAS, on August 21, 2012, the Court entered the parties Stipulation and [Proposed] 19 Order Regarding Case Schedule and continued the deadline for Defendants to file and serve an 20 answer or a motion under Rule 12 of the Federal Rules of Civil Procedure to October 11, 2012 and postponed the Initial Case Management Conference until November 16, 2012 (Dkt. No. 20); 21

WHEREAS, the parties had a constructive mediation session on September 27, 2012, but 22 were not able to finally resolve the matter; and 23

WHEREAS, the parties seek to continue the deadline for Defendants to file and serve an 24 25 answer or a motion under Rule 12 of the Federal Rules of Civil Procedure and postpone the Initial 26 27 -1-28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE DEADLINE TO RESPOND TO COMPLAINT Case No. 3:12-cv-01118-JSW

LA 51591922v1

## Case3:12-cv-01118-JSW Document28 Filed10/11/12 Page3 of 5

Case Management Conference so that they may devote the time to matters that will advance the
 parties' ability to finally resolve the matter.

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, between Plaintiff
Steinfeld, by his undersigned counsel, and Defendants, by their undersigned counsel, that the last
day for Defendants to file and serve an answer or a motion under Rule 12 of the Federal Rules of
Civil Procedure shall be continued from October 11, 2012 to December 11, 2012. The Initial Case
Management Conference shall be postponed until January 18, 2013 at 1:30 p.m.

IT IS SO STIPULATED.

9	Dated: October 11, 2012	STROOCK	& STROOCK & LAVAN LLP
10		By:	/s/ Lisa M. Simonetti
11		_	Lisa M. Simonetti
12		Julia B. Stri istrickland@	ckland 9stroock.com
13		Lisa M. Sin	
14		Shannon E.	Ponek
15			& STROOCK & LAVAN LLP
16		Los Angeles	ry Park East, Suite 1600 s, CA 90067-3086
		Telephone: Facsimile:	310-556-5800 310-556-5959
17			for Defendants Discover Financial
18			DFS Services LLC And Discover Bank
19	Dated: October 11, 2012	LIEFF CAE	RASER HEIMANN & BERNSTEIN, LLP
20		By:	/s/ Daniel M. Hutchinson
21		-	Daniel M. Hutchinson
22		Daniel M. H dhutchinson	
23		Kristen Law	y Sagafi
24			Street, 29th Floor
25		San Francis Telephone:	co, CA 94111-3339 415-956-1000
		Facsimile:	415-956-1008
26		[continued.	on novit name]
27		-2-	on next page]
28		<i>L</i>	STIPULATION AND [PROPOSED] ORDER TO CONTINUE
			DEADLINE TO RESPOND TO COMPLAINT Case No. 3:12-cv-01118-JSW
	LA 51591922v1		

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		Case3:12-cv-01118-JSW Document28 Filed10/11/12 Page4 of 5
	1 2 3 4	LIEFF CABRASER HEIMANN & BERNSTEIN, LLP Jonathan D. Selbin jselbin@lchb.com 250 Hudson Street, 8th Floor New York, NY 10013 Telephone: 212-355-9500 Facsimile: 212-355-9592
	5 6 7 8	MEYER WILSON CO., LPA David P. Meyer ( <i>pro hac vice</i> application to be filed) Matthew R. Wilson (admitted <i>pro hac vice</i> ) mwilson@meyerwilson.com 1320 Dublin Road, Suite 100 Columbus, OH 43215 Telephone: 614-224-6000 Facsimile: 614-224-6066
	<ol> <li>9</li> <li>10</li> <li>11</li> <li>12</li> <li>13</li> </ol>	CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP Mark Ankcorn (State Bar No. 166871) mark@cglaw.com 110 Laurel Street San Diego, CA 92101 Telephone: 619-238-1811 Facsimile: 619-544-9232
5	<ol> <li>14</li> <li>15</li> <li>16</li> <li>17</li> <li>18</li> </ol>	TERRELL MARSHALL DAUDT & WILLIE PLLC Beth E. Terrell (State Bar No. 178181) bterrell@tmdwlaw.com 936 North 34th Street, Suite 400 Seattle, WA 98103-8869 Telephone: 206-816-6603 Facsimile: 206-350-3528 Attorneys for Plaintiff Steinfeld and the Proposed Class
	10   Autometys for Plaintiff Stellheid and the Proposed Cla     19   20     20   [PROPOSED] ORDER     21   FOR GOOD CAUSE APPEARING AND PURSUANT TO THE STIPULATION	
	<ul> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ul>	IS SO ORDERED. Dated: October 15, 2012 Hon definer S. White United States District Court Judge
	26 27 28	-3- STIPULATION AND [ <del>PROPOSED]</del> ORDER TO CONTINUE DEADLINE TO RESPOND TO COMPLAINT Case No. 3:12-cv-01118-JSW LA 51591922v1

## Case3:12-cv-01118-JSW Document28 Filed10/11/12 Page5 of 5

**CERTIFICATE OF SERVICE** 

I hereby certify that, on October 11, 2012, copies of the foregoing STIPULATION AND [PROPOSED] ORDER TO CONTINUE DEADLINE FOR DEFENDANTS TO RESPOND TO COMPLAINT FROM OCTOBER 11, 2012 TO DECEMBER 11, 2012 AND INITIAL CASE MANAGEMENT CONFERENCE FROM NOVEMBER 16, 2012 TO JANUARY 18, were filed electronically and served by U.S. Mail on anyone unable to accept electronic filing. Notice of this filing will be sent by e-mail to all parties by operation of the court's electronic filing system or by facsimile to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the court's EM/ECF System. By: <u>/s/ Lisa M. Simonetti</u> Lisa M. Simonetti STIPULATION AND [PROPOSED] ORDER TO CONTINUE DEADLINE TO RESPOND TO COMPLAINT Case No. 3:12-cv-01118-JSW LA 51591922v1

Los Angeles, California 90067-3086