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6  *Attorneys for Plaintiff Gregory Brod*

7  [Additional counsel listed on signature block]

8              **UNITED STATES DISTRICT COURT**

9            **NORTHERN DISTRICT OF CALIFORNIA**

10               **SAN FRANCISCO DIVISION**

11  GREGORY BROD, individually and on behalf  )    Case No.  CV 12 01322 EMC
    of all others similarly situated,                        )
12                                              )    **STIPULATION FOR CONTINUANCE OF**
                                                )    **HEARING ON MOTION TO DISMISS**
13              Plaintiff,                      )    **FILED BY SIOUX HONEY ASSOCIATION**
                                                )    **COOPERATIVE AND CASE**
14       v.                                     )    **MANAGEMENT CONFERENCE** ; ORDER
                                                )
15  SIOUX HONEY ASSOCIATION,                    )    Date:    July 19, 2012
    COOPERATIVE, an Iowa entity,                )    Time:    1:30 p.m.
16                                              )    Dept.:   Courtroom 5-17th Floor
               Defendants.                      )    Judge:  Hon. Edward M. Chen
17  _____   )

18      **WHEREAS** Defendant Sioux Honey Association, Cooperative's Motion to Dismiss

19  Pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12 (b)(6), is set for hearing on July 19, 2012 at 1:30

20  p.m.  The Court has also scheduled a case management conference for the same date and time.

21      **WHEREAS** Robert Lax, one of Plaintiff's counsel, has been designated as Plaintiff's

22  representative to present oral argument on Defendant's Motion to Dismiss.

23      **WHEREAS,** Mr. Lax's flight from JFK International Airport has been delayed due to a

24  major hail and thunder storm at the airport and it is uncertain at this time whether his flight will

25  leave tonight or not.

26      **WHEREFOR** pursuant to the United States District Court for the Northern District of

27  California Local Rules, Rules 6-2 and 7-12, Brod and Sioux Honey respectfully request that the

28
                                    1
    STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO DISMISS FILED BY SIOUX HONEY
    ASSOCIATION COOPERATIVE AND CASE MANAGEMENT CONFERENCE
                        CASE NO.  CV 12 01322 EMC

court issue an order permitting a brief continuance of the hearing on Defendant's Motion to Dismiss and the case management conference.

SO STIPULATED.


Dated: July 18, 2012                    HINSHAW & CULBERTSON LLP



                                        /s/*David Ian Dalby*
                                        Attorneys for Defendant Sioux Honey Association
                                        Cooperative
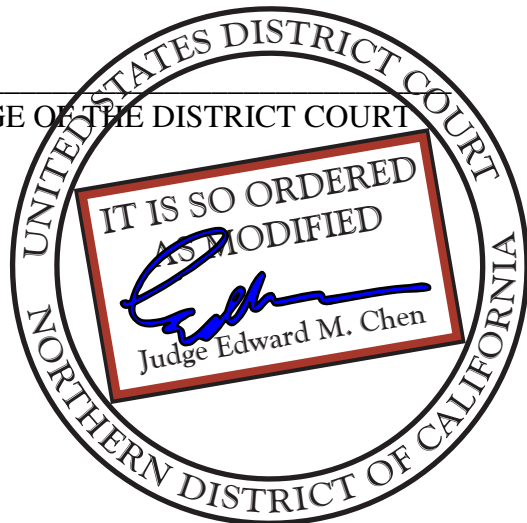
Dated: July 18, 2012                    KAPLAN FOX & KILSHEIMER LLP



                                        /s/ *Linda Fong*
                                        Attorneys for Plaintiff Gregory Brod



        PURSUANT TO STIPULATION, IT IS SO ORDERED  that the motion to dismiss
   and CMC are reset to 8/10/12 at 1:30 p.m.

Dated:  July __, 2012          18        _____
                                        JUDGE OF THE DISTRICT COURT

IT IS SO ORDERED
AS MODIFIED
Judge Edward M. Chen

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA

STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO DISMISS FILED BY SIOUX HONEY
ASSOCIATION COOPERATIVE AND CASE MANAGEMENT CONFERENCE

CASE NO.  CV 12 01322 EMC

# DECLARATION OF LINDA M. FONG

I, Linda M. Fong declare,

1.      I am an attorney licensed to practice in the State of California and I am admitted to practice before this court.  I have personal knowledge of the facts recited in this declaration and could competently testify thereto if called upon to do.

2.      Co-counsel Robert Lax is Plaintiff's representative designated to present oral argument on behalf of Plaintiff in opposition to Defendant's motion to dismiss, currently scheduled for hearing on July 19, 2012 at 1:30 p.m.  I have conferred with co-counsel Robert Lax several times today, including most recently at 3:00 p.m. PST, and he has informed me that due to a major hail and thunder storm it is uncertain if his plane will depart tonight or not.  If the Court intends to reset the hearing next week, Mr. Lax is available on July 23, 24 or 25, 2012.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Dated: July 18, 2012                                              */s/ Linda M. Fong*

STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO DISMISS FILED BY SIOUX HONEY ASSOCIATION COOPERATIVE AND CASE MANAGEMENT CONFERENCE

CASE NO.  CV 12 01322 EMC

**ATTESTATION**

I, Linda M. Fong, am the ECF User whose ID and password are being used to file this Stipulation. In compliance with General Order 45, section X.B., I hereby attest that I have on file the concurrences for any signatures indicated by a "conformed" signature (/s/) within this efiled document.

By: ___s/  Linda M. Fong_____

Linda M. Fong

STIPULATION FOR CONTINUANCE OF HEARING ON MOTION TO DISMISS FILED BY SIOUX HONEY ASSOCIATION COOPERATIVE AND CASE MANAGEMENT CONFERENCE

CASE NO.  CV 12 01322 EMC