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10 *Attorneys for Plaintiff Gregory Brod*

11 [Additional counsel listed on signature block]

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 GREGORY BROD, Individually and on Behalf)
 15 of All Others Similarly Situated,)

16 Plaintiff,

17 v.

18 SIOUX HONEY ASSOCIATION,)
 19 COOPERATIVE, an Iowa entity,)

20 Defendants.)
21)
22)

Case No.: 12-CV-01322 EMC

CLASS ACTION

STIPULATION RE EXTENSION OF TIME TO FILE OPPOSITION AND REPLY RE MOTION TO DISMISS

Hearing Date: December 11, 2012

Hearing Time: 1:30 p.m

Judge: Hon. Edward M. Chen

23 **WHEREAS** one of Plaintiff's counsel, Robert I. Lax, lives in lower Manhattan, New York,
 24 and maintains his offices at 380 Lexington Avenue, New York, New York. Mr. Lax was forced to
 25 leave his home and unable to travel to his office until today due to the recent hurricane, and his
 26 assistance is necessary in order to complete an opposition to the pending motion to dismiss filed by
 27 Defendant Sioux Honey Association, Cooperative ("Sioux Honey" or "Defendant");
 28

1 **WHEREAS** on October 25, 2012, Defendant Sioux Honey filed its motion to dismiss
2 pursuant to Fed. R. Civ. P. Rules 12(b)(1) and 12(b)(6), currently set for hearing on December 11,
3 2012. Plaintiff Gregory Brod's response is due November 8, 2012 and Sioux Honey's reply is due
4 November 15, 2012;

5 **WHEREAS** in view of the east coast hurricane, Plaintiff Brod seeks an extension of time to
6 file his opposition to the motion to dismiss to November 15, 2012;

7 **AND WHEREAS**, Defendant is willing to stipulate to the extension requested by Plaintiff
8 Brod, but the extension for Brod creates a scheduling conflict for Defendant to prepare its reply
9 brief with other matters already scheduled, Defendant seeks an extension to file its reply to
10 November 27, 2012, which will not affect the hearing date of December 11, 2012;

11 **WHEREAS** the parties have not previously requested an extension in connection with the
12 pending motion to dismiss, although they have stipulated to, sought and received extensions in
13 connection with previous motions;

14 **WHEREFOR** pursuant to Local Rules 6-2 and 7-12, Plaintiff Brod and Defendant
15 respectfully request that the Court issue an order permitting an extension of time within which Brod
16 may file his opposition to the motion to dismiss to on or before November 15, 2012, and Defendant
17 may file its reply on or before November 27, 2012.

18 SO STIPULATED.

19 Dated: November 5, 2012

HINSHAW & CULBERTSON LLP

21 *s/ David I. Dalby*
22 David I. Dalby

23 Attorneys for Defendant Sioux Honey Association
24 Cooperative

1 Dated: November 5, 2012

KAPLAN FOX & KILSHEIMER LLP

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3
4 s/ Linda M. Fong

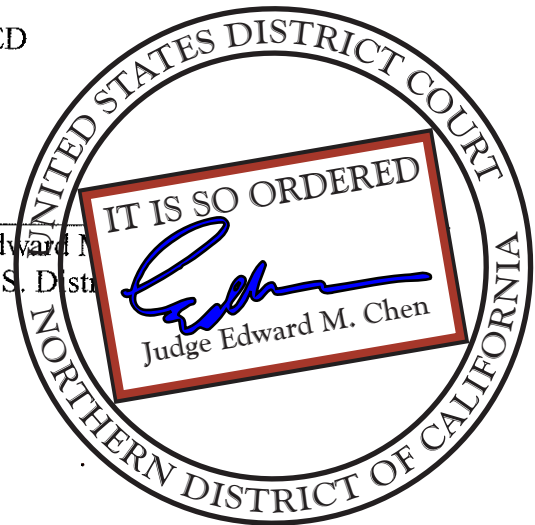
Linda M. Fong

Attorneys for Plaintiff Gregory Brod

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7
8 PURSUANT TO STIPULATION, IT IS SO ORDERED

9
10 Dated: 11/6/12

11 Edward M. Chen
12 U.S. District Judge



1 ATTESTATION

2 I, Linda M. Fong, am the ECF User whose ID and password are being used to file this
3 Stipulation. Pursuant to Civil Local Rule 5.1, I hereby attest that I have on file all holographic
4 signatures corresponding to any signatures indicated by a conformed signature (/S/) within this e-
5 filed document.

6
7 By: s/ Linda M. Fong

8 Linda M. Fong
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