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6 Attorneys for Defendant
 UNISYS CORPORATION

8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 FADI SABA, on behalf of himself and all
 others similarly situated,

11 Plaintiff,

12 v.

13 UNISYS CORPORATION, a Delaware
 14 corporation, and DOES 1 through 50,

15 Defendants.

Case No. CV 12 2578 JSW

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 CURRENTLY SET FOR AUGUST 31,
 2012**

1 Pursuant to Federal Rules of Civil Procedure (“F.R.C.P.”) 16(b)(4) and the Court’s May
2 23, 2012 Order Setting Case Management Conference (Dkt. No. 8), Plaintiff Fadi Saba
3 (“Plaintiff”) and Defendant UNISYS Corporation (“Defendant”) (together as the “Parties”)
4 submit this Joint Stipulation to Continue the Case Management Conference currently set for
5 August 31, 2012. In support thereof, the Parties stipulate and agree as follows:
6

7 On May 25, 2012, Defendant filed a Motion to Dismiss Plaintiff’s Class Action
8 Complaint for damages, injunctive relief, and restitution (“Complaint”) in its entirety. Dkt. No.
9 10.

10 On July 20, 2012, the Court granted Defendant’s Motion to Dismiss, and provided the
11 Plaintiff with leave to amend the Complaint no later than August 8, 2012. Dkt. No. 15.

12 Plaintiff filed his First Amended Complaint (“FAC”) on August 8, 2012 pursuant to the
13 Court’s Order on Defendant’s Motion to Dismiss. Dkt. Nos. 15 and 16.

14 Defendant currently has until August 22, 2012 to respond to the FAC.

15 Based upon the current schedule, the Parties would be required to hold their Rule 26(f)
16 meet and confer session by August 10, 2012, file their joint case management statement on
17 August 24, 2012, and attend the case management conference on August 31, 2012.
18

19 Given that Plaintiff recently filed his FAC on August 8, pursuant to the Court’s Order, and
20 that Defendant has not yet had a sufficient opportunity to evaluate Plaintiff’s amended claim and
21 evaluate whether it intends to respond to the FAC via an answer or a motion to dismiss, good
22 cause exists for a continuance, as it would serve the interests of judicial economy and make the
23 best use of the Parties’ resources by allowing the Parties a more fulsome opportunity to
24 substantively evaluate the claims in the new FAC and their respective positions, hold their Rule
25 26(f) meet and confer session on August 17, 2012 to discuss the same, and prepare for the case
26 management conference.
27
28

Pursuant to F.R.C.P 16(b)(4) and Civil Local Rule 16-2(e), a court’s scheduling order may be modified for “good cause” and with the court’s consent. This is the Parties’ first request to modify the scheduling order, the Parties’ request is made in good faith, and the request will not to cause unnecessary delay or prejudice to these proceedings. The Parties therefore request that the Court continue the case management conference currently scheduled for August 31, 2012 for three weeks to September 21, 2012, or any later date that better suits the Court’s calendar.

August 10, 2012

By: /s/ Glicel Sumagaysay
Glicel Sumagaysay
Attorneys for Plaintiff
FADI SABA
MORGAN, LEWIS & BOCKIUS LLP


August 10, 2012

By: /s/ Eric Meckley
Eric Meckley
Attorneys for Defendant
UNISYS CORPORATION

PURSUANT TO STIPULATION IT IS SO ORDERED

Good cause having been shown, the Court approves the Parties’ Stipulation to Continue Case Management Conference and orders that the Case Management Conference is continued from August 31, 2012 until October 12, 2012. The Parties must file their joint case management conference statement five (5) court days prior to the Case Management Conference.

Dated: August 21, 2012


Hon. Jeffrey S. White
United States District Judge