

1 WILLIAM L. STERN (CA SBN 96105)
 WStern@mofo.com
 2 CLAUDIA M. VETESI (CA SBN 233485)
 CVetesi@mofo.com
 3 LISA A. WONGCHENKO (CA SBN 281782)
 LWongchenko@mofo.com
 4 MORRISON & FOERSTER LLP
 425 Market Street
 5 San Francisco, California 94105-2482
 Telephone: 415.268.7000
 6 Facsimile: 415.268.7522

FILED

MAY 13 2013

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

7 Attorneys for Defendants
 BROMLEY TEA COMPANY, EASTERN TEA CORP. D/B/A
 8 BROMLEY TEA COMPANY, LONDON HOLDING
 COMPANY, INC., BROMLEY PRODUCTS CORP., IRA
 9 BARBAKOFF, PAUL BARBAKOFF AND GLENN
 BARBAKOFF

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

14
 15 TONY CLANCY, on behalf of himself and all
 others similarly situated,

Plaintiff,

v.

18 BROMLEY TEA COMPANY, EASTERN TEA
 19 CORP. D/B/A BROMLEY TEA COMPANY,
 LONDON HOLDING COMPANY, INC.,
 20 BROMLEY PRODUCTS CORP., IRA
 BARBAKOFF, PAUL BARBAKOFF AND
 21 GLENN BARBAKOFF,

Defendants.

Case No. CV12-03003-JST

**STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING THE ADR
DEADLINE**

[CIVIL L.R. 6-1]

Judge: Hon. Jon S. Tigar
Action Filed: June 11, 2012

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 STIPULATION AND ~~PROPOSED~~ ORDER CONTINUING ADR
 CASE No. CV12-03003-JST
 sf-3282859

1 Pursuant to Civil Local Rule 6-1, Plaintiff Tony Clancy ("Plaintiff"), on behalf of himself
2 and all others similarly situated, and Defendants BROMLEY TEA COMPANY, EASTERN TEA
3 CORP. D/B/A BROMLEY TEA COMPANY, LONDON HOLDING COMPANY, INC.,
4 BROMLEY PRODUCTS CORP., IRA BARBAKOFF, PAUL BARBAKOFF AND GLENN
5 BARBAKOFF ("Defendants"), through their undersigned counsel, hereby stipulate as follows:

6 WHEREAS, this action was filed on June 11, 2012, and Plaintiff filed an Amended
7 Complaint on October 9, 2012;

8 WHEREAS, on January 23, 2013, Defendants filed an Answer to the Amended
9 Complaint;

10 WHEREAS, the parties filed a stipulation selecting early neutral evaluation on March 18,
11 2013, requesting 90 days from the date the Court orders the case referred to ADR to hold the
12 early neutral evaluation, and the Court approved the stipulation on March 22, 2013;

13 WHEREAS, on April 18, 2013, the parties participated in a preliminary telephone
14 conference with the court appointed early neutral evaluator, and all agreed that if Defendants
15 were to file a Motion for Judgment on the Pleadings, the early neutral evaluation would benefit
16 from a ruling on that motion;

17 WHEREAS, on May 6, 2013, Defendants filed a Motion for Judgment on the Pleadings,
18 which is set for hearing on June 20, 2013;

19 WHEREAS, the ADR deadline is currently June 20, 2013;

20 WHEREAS, the parties believe, and the court-appointed early neutral evaluator agrees,
21 that this matter is not ready for early neutral evaluation given that the briefing on the Motion for
22 Judgment on the Pleadings is not yet complete and the pleadings are not yet settled;

23 WHEREAS, in the interest of efficiency the parties request that the Court extend the
24 deadline to hold the early neutral evaluation to 90 days from the date the Court rules on
25 Defendants' Motion for Judgment on the Pleadings because any evaluation session will greatly
26 benefit from having the pleadings and the scope of the case settled;

27 IT IS HEREBY STIPULATED AND AGREED by the parties, through their counsel, and
28 subject to court approval, that pursuant to Local Rule 6-1(b), the deadline to hold the early neutral

1 evaluation session is 90 days from the date the Court rules on the Motion for Judgment on the
2 Pleadings.

3 Dated: May 8, 2013

4 WILLIAM L. STERN
5 CLAUDIA M. VETESI
6 LISA A. WONGCHENKO
7 MORRISON & FOERSTER LLP

8 By: /s/ William L. Stern
9 WILLIAM L. STERN

10 Attorneys for Defendants BROMLEY
11 TEA COMPANY, EASTERN TEA
12 CORP. D/B/A BROMLEY TEA
13 COMPANY, LONDON HOLDING
14 COMPANY, INC., BROMLEY
15 PRODUCTS CORP., IRA
16 BARBAKOFF, PAUL BARBAKOFF
17 AND GLENN BARBAKOFF

18 Dated: May 8, 2013

19 Ben F. Pierce Gore (SBN 128515)
20 PRATT & ASSOCIATES
21 1901 S. Bascom Avenue, Suite 350
22 Campbell, California 95008

23 By: /s/ Ben F. Pierce Gore
24 BEN F. PIERCE GORE

25 Attorneys for Plaintiff
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ECF ATTESTATION

I, William L. Stern, am the ECF User whose ID and password are being used to file the following: **STIPULATION AND [PROPOSED] ORDER CONTINUING THE ADR DEADLINE**. In compliance with General Order 45, X.B., I hereby attest that Ben F. Pierce Gore has concurred in this filing.

Dated: May 8, 2013

WILLIAM L. STERN
CLAUDIA M. VETESI
LISA A. WONGCHENKO
MORRISON & FOERSTER LLP

By: /s/ William L. Stern
WILLIAM L. STERN

~~[PROPOSED]~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: May 13, 2013


DISTRICT JUDGE JON S. TIGAR