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11 Attorneys for Defendant
 AVANQUEST NORTH AMERICA, INC.

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

17 BENSON WORLEY and JOHNNY
 18 BOYD, individually and on
 behalf of all others similarly situated,

19 Plaintiffs,

20 v.

21 AVANQUEST NORTH AMERICA, INC.,
 22 a California corporation,

23 Defendant.

CASE NO. 3:12-CV-04391-SI

**STIPULATION AND
 [PROPOSED] ORDER**

Judge: Hon. Susan Illston

25 Plaintiffs Benson Worley and Johnny Boyd, and Defendant Avanquest North America,
 26 Inc. (“Avanquest”) (collectively, the “Parties”), by and through their undersigned counsel, hereby
 27 stipulate and agree, subject to Court approval, (i) to continue the Initial Case Management

1 Conference and deadline to exchange initial disclosures, currently scheduled for Friday, May 10,
2 2013, to Friday, July 12, 2013 (or such later date and time as may be convenient for the Court),
3 and (ii) to extend the date for filing the Parties' Joint Initial Case Management Conference
4 Statement and Fed. R. Civ. Proc. 26(f) Discovery Plan from Friday, May 3, 2013 to Friday, July
5 5, 2013 (or one week before the date selected by the Court for the rescheduled Initial Case
6 Management Conference). In support of the instant stipulation, the Parties state as follows:

7 WHEREAS, on February 22, 2013, Plaintiffs filed their First Amended Class Action
8 Complaint (Dkt. 52);

9 WHEREAS, on March 8th, Avanquest filed its pleading challenge of the First Amended
10 Complaint (Dkt. 53);

11 WHEREAS, the hearing on Avanquest's pleading challenge is scheduled for Thursday,
12 May 2, 2013;

13 WHEREAS, the resolution of Avanquest's pleading challenge will provide the Parties and
14 the Court additional guidance regarding the most efficient manner in which to conduct further
15 litigation of Plaintiffs' claims;

16 WHEREAS, the Parties previously requested and were granted a continuance of the Initial
17 Case Management Conference and deadline to exchange initial disclosures until three weeks
18 following the hearing on Avanquest's pleading challenge (Dkt. 51);

19 WHEREAS, the hearing on Avanquest's pleading challenge was subsequently continued
20 thirteen days without a continuance of the Initial Case Management Conference or deadline to
21 exchange initial disclosures (Dkt. 61);

22 WHEREAS, the Parties have conferred and agreed, subject to Court approval, to continue
23 the Initial Case Management Conference and deadline to exchange initial disclosures from May
24 10, 2013 to July 12, 2013 (or such later date as the Court may set), and to extend the date for
25 filing of the Parties' Joint Initial Case Management Conference Statement and Fed. R. Civ. Proc.
26 26(f) Discovery Plan from May 3, 2010 to July 5, 2013 (or one week prior to the date selected by
27 the Court for the rescheduled Initial Case Management Conference);
28

1 WHEREAS, good cause exists to enter the instant stipulation and the Parties do not seek
2 the relief contemplated herein for any improper purpose.

3 **NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED** as follows:

4 1. The Parties shall file their Joint Initial Case Management Conference Statement
5 and Fed. R. Civ. Proc. 26(f) Discovery Plan by July 5, 2013 (or one week before the rescheduled
6 Initial Case Management Conference if scheduled later than July 12, 2013).

7 2. The Initial Case Management Conference currently set for May 10, 2013 at 2:30
8 pm shall be continued to July 12, 2013 at 2:30 pm.

9 3. The Parties shall serve their respective initial disclosures no later than July 12,
10 2013.

11 **IT IS SO STIPULATED.**

12
13 **BENSON WORLEY and JOHNNY BOYD,**
14 individually and on behalf of all others similarly
15 situated,

16 Dated: April 30, 2013

17 By: /s/ Benjamin H. Richman
18 One of Plaintiffs' Attorneys

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AVANQUEST NORTH AMERICA, INC.,

Dated: April 30, 2013

By: /s/ Luanne Sacks
One of Defendant's Attorneys

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I, Luanne Sacks, am the ECF user whose identification and password are being used to file the foregoing Stipulation and [Proposed] Order. I hereby attest that the above-referenced signatory to this stipulation has concurred in this filing.

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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

ENTERED: 5/1/13



HONORABLE SUSAN ILLSTON
UNITED STATES DISTRICT JUDGE