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25 Attorneys for Defendant  
 26 HOME DEPOT U.S.A., INC.

27 **UNITED STATES DISTRICT COURT**  
 28 **NORTHERN DISTRICT OF CALIFORNIA**  
**SAN FRANCISCO DIVISION**

29 VICTOR JIMENEZ, an Individual,  
 30  
 31 Plaintiff,  
 32  
 33 vs.  
 34 HOME DEPOT U.S.A., INC.; and DOES 1-100,  
 35 inclusive,  
 36 Defendant.

Case No. C 12 4686 TEH

**STIPULATION TO REQUEST  
 TELEPHONIC APPEARANCE AT CASE  
 MANAGEMENT CONFERENCE**

Action Filed: July 27, 2012  
 Trial Date: None Set

1 Pursuant to Local Rule 16-10(a), Michael J. Sexton, lead trial counsel and counsel of record  
2 for Defendant Home Depot U.S.A., Inc., respectfully requests the Court's permission to attend the  
3 Initial Case Management Conference, scheduled in this matter for December 11, 2012 at 1:30 p.m.,  
4 by telephone. Plaintiff's counsel, Christopher LeClerc, stipulates and agrees to with this request.  
5 The parties and undersigned counsel agree that Mr. Sexton will be able to fully participate in the  
6 Case Management Conference by telephone without detriment to the proceedings, and that  
7 therefore the additional expense that would be incurred by Mr. Sexton, who is located in Costa  
8 Mesa, California, appearing in person is unwarranted.

9  
10 DATED: December 3, 2012

LE CLERC & LE CLERC, LLP

11  
12 By: /s/ Christopher LeClerc  
Christopher R. LeClerc

13 Attorneys for Plaintiff  
14 VICTOR JIMENEZ

15  
16 DATED: December 3, 2012

OGLETREE, DEAKINS, NASH, SMOAK &  
STEWART, P.C.

17  
18 By: /s/ Michael Sexton  
Michael J. Sexton  
19 Jill V. Cartwright

20 Attorneys for Defendant  
HOME DEPOT U.S.A., INC.

21  
22 **SIGNATURE ATTESTATION**

23 Pursuant to Civil Local Rule 5-1(i)(3), I attest that concurrence in the filing of this  
24 document has been obtained from the other signatories.

25  
26 DATED: December 3, 2012

27 By: /s/ Jill Cartwright  
Jill V. Cartwright

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~~PROPOSED~~ ORDER

Having read the Request for Telephonic Appearance by Defendant Home Depot U.S.A., Inc. and Plaintiff Victor Jimenez, the Court finds that good cause exists therefore.

Accordingly, the Court hereby orders that:

Michael J. Sexton, counsel of record for Defendant Home Depot U.S.A., Inc., may appear telephonically on December ~~4~~<sup>10</sup>, 2012 at 1:30 p.m., for the Initial Case Management Conference in this matter.

Dated: 12/03/2012

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