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7 **Attorney for Plaintiffs**

8 **IN THE UNITED STATES DISTRICT COURT**
 9 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 10 **SAN JOSE DIVISION**

11 **RICHARD SUTHERLAND, as Assignee of**)
 12 **NIGEL ALLEN; RICHARD SUTHERLAND,**)
 13 **as Assignee of FRED PILSTER; RICHARD**)
 14 **SUTHERLAND, as Assignee of SAL RUIZ;**)
 15 **RICHARD SUTHERLAND, as Assignee of**)
 16 **JUDITH LAVENDAR and ANTHONY**)
 17 **MALFATTI, Individually,**)

18 **Plaintiffs,**)

19 **v.**)

20 **THOMAS E. FRANCIS,**)

21 **Defendant.**)

CASE NO. 5:12-cv-05110

**STIPULATION & ORDER TO
EXTEND TIME TO FILE
OPPOSITION TO MOTION
TO DISMISS ; ORDER**

22 **RECITALS**

23 1. Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint is set for
24 heating on February 28, 2013.

25 2. Plaintiff's Opposition To Motion is due on January 23, 2013.

26 3. Due to the illness of Plaintiff's counsel, Defendant is willing to extend the date for
27 the filing of Plaintiff's Opposition To Motion until Monday, January 28, 2013, provided that
28 Defendant's Reply be due on Tuesday, February 5, 2013.

STIPULATION

Therefore, based on the foregoing Recitals, the Parties herein, through their undersigned

1 attorneys of record, pursuant to Local Rules 6-2 and 7-12, hereby stipulate as follows:

2 1. The date for the filing of Plaintiff's Opposition To Plaintiff's Motion to Dismiss
3 be extended until Monday, January 28, 2013.

4 2. Defendant's Reply is due on Tuesday, February 5, 2013.

5 Date: January 16, 2013 /s/ William F. Abbott
6 WILLIAM F. ABBOTT
Attorney for Plaintiffs

7 Date: January 16, 2013 Walsworth, Franklin, Bevens & McCall, LLP
8 BY: [Signature]
9 ALEX F. PEVZNER
Attorneys for Defendant

10
11 **ORDER**

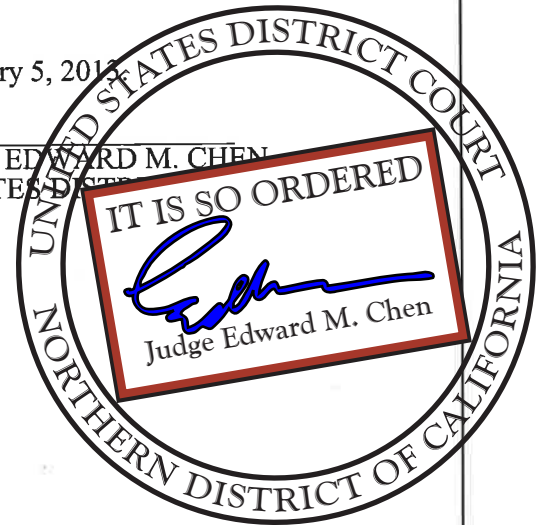
12 Pursuant to the foregoing Stipulation , IT IS HEREBY ORDERED:

13 1. The date for the filing of Plaintiff's Opposition To Plaintiff's Motion to Dismiss
14 be extended until Monday, January 28, 2013.

15 2. Defendant's Reply is due on Tuesday, February 5, 2013.

16 DATE: 1/17/13

HONORABLE EDWARD M. CHEN
UNITED STATES DISTRICT COURT



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1 **CERTIFICATE OF SERVICE**

2 I, WILLIAM F. ABBOTT, declare as follows:

3 I am an attorney at law duly admitted to practice before the United States District Court
4 for the Northern District of California, am an active member of the State Bar of California, and
5 am attorney of record herein for Plaintiffs. On January 16, 2013, I served copies of the following
6 documents: STIPULATION by E-mail to the following:

7 Ferdie F. Franklin
8 Alex Pevzner <apevzner@wfbm.com>
9 Walsworth, Franklin, Bevins & McCall, LLP
601 Montgomery Street, Ninth Floor
San Francisco, CA 94111-2612
Attorney for Defendant

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing is true and correct and that this Declaration was executed at San Francisco, California
12 on January 16, 2013.

13 */s/ William F. Abbott*
14 **WILLIAM F. ABBOTT**