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 13 CAPITAL ONE BANK (USA), N.A.

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

17 PRISCILLA BARTON, individually and on
 18 behalf of all others similarly situated,
 19 Plaintiff,
 20 v.
 21 CAPITAL ONE BANK (USA), N.A.,
 22 Defendant.

Case No. 12-cv-5412

CLASS ACTION

STIPULATION SETTING BRIEFING
 SCHEDULE AND RESETTING INITIAL
 CMC AND [~~PROPOSED~~] ORDER

Honorable Susan Illston

Complaint filed: October 19, 2012

1 STIPULATION

2 Pursuant to Civil Local Rule 6-2, 7-11, and 16-2, the Defendant, Capital One Bank
3 (USA), N.A. (“Capital One”) and Plaintiff Priscilla Barton hereby submit this Stipulated Request
4 for an Order Setting Briefing Schedule and Resetting the Initial Case Management Conference.

5 WHEREAS, on November 13, 2012, prior to the reassignment of this action to this Court,
6 the parties filed a stipulation extending the deadline for Capital One to respond to the complaint
7 to on or before December 28, 2012 (ECF No. 13);

8 WHEREAS, Capital One intends to file a motion to dismiss;

9 WHEREAS, the parties believe that the issues presented by the case warrant a briefing
10 schedule that permits additional time, and wish to establish such a schedule and hearing in an
11 orderly fashion;

12 WHEREAS, the Initial Case Management Conference is currently scheduled for January
13 25, 2013 and the case management statement due January 18, 2013 (ECF No. 16);

14 WHEREAS, in the interests of the convenient and efficient administration of this action,
15 the CMC should be conducted at the same time as the hearing on the motion to dismiss,

16 THEREFORE, the parties request an Order setting the following schedule:

- 17 1. Capital One’s motion to dismiss: January 4, 2013;
- 18 2. Plaintiff’s opposition: February 1, 2013;
- 19 3. Capital One’s reply: February 15, 2013;
- 20 4. Hearing: March 1, 2013, or the next available hearing date thereafter;
- 21 5. Initial Case Management conference: March 1, 2013, or the next available
22 date thereafter.

23 IT IS SO STIPULATED.
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