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11 *Attorneys for Defendants*
 12 CASH AMERICA INTERNATIONAL, INC.,
 and CNU OF CALIFORNIA, LLC (formerly known as
 13 CASH AMERICA NET OF CALIFORNIA, LLC)

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

19 PAULA BERNAL and MARY F. BAILEY, on
 behalf of themselves and all persons similarly
 20 situated,

21 Plaintiffs,

22 v.

23 CASH AMERICA INTERNATIONAL, INC.,
 24 CASH AMERICA NET OF CALIFORNIA, LLC,
 CNU OF CALIFORNIA, LLC, and Does 1
 25 through 100, inclusive,

26 Defendants.
 27

Case No. CV 12-05792-JSW

**NOTICE OF *EN BANC* RULING IN
 KILGORE CASE AND STIPULATED
 REQUEST FOR BRIEFING SCHEDULE
 and ~~PROPOSED~~ ORDER**

1 Plaintiffs PAULA BERNAL and MARY F. BAILEY and Defendants CASH AMERICA
 2 INTERNATIONAL, INC., and CNU OF CALIFORNIA, LLC (formerly known as CASH
 3 AMERICA NET OF CALIFORNIA, LLC) (hereinafter, collectively, the “Parties”), by and through
 4 their undersigned counsel, hereby provide notice to the Court that an *en banc* panel of the Ninth
 5 Circuit Court of Appeals issued the attached ruling in *Kilgore v. Key Bank*, 2013 WL 1448876, *1
 6 (9th Cir., April 11, 2013). The Parties have met and conferred about what effect this ruling has on
 7 Plaintiffs’ request, in their First Amended Complaint, for injunctive relief in connection with their
 8 alleged Business & Professions Code section 17200, *et seq.* claim, and the arbitrability of that request.
 9 The Parties do not agree.

10
 11 NOW, THEREFORE, THE PARTIES HEREBY SUBMIT THIS STIPULATED REQUEST
 12 as follows:

13 In light of the recent *en banc* ruling in the *Kilgore* case, the Parties request that the Court set a
 14 briefing schedule so that they may present their respective views on the question of what effect the
 15 *Kilgore* ruling has on Plaintiffs’ injunctive relief claim. The Parties propose that the Court order the
 16 Parties to submit simultaneous briefs no later than April 30, 2013.

17
 18 Dated: April 16, 2013

Respectfully submitted,

O’RIELLY & ROCHE LLP

By: /s/ Daniel J. O’Rielly
 Daniel J. O’Rielly

Attorneys for Defendants
 CASH AMERICA INTERNATIONAL,
 INC., and CNU OF CALIFORNIA, LLC
 (formerly known as CASH AMERICA NET
 OF CALIFORNIA, LLC)

1 Dated: April 16, 2013

LAKESHORE LAW CENTER

2
3 By: /s/ Jeffrey Wilens
Jeffrey Wilens

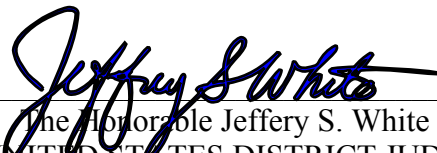
4 Attorneys for Plaintiffs
5 PAULA BERNAL and MARY F. BAILEY

6
7 **~~PROPOSED~~ ORDER**

8 No later than April 30, 2013, the Parties shall each submit a brief presenting their respective
9 views of the effect of the Ninth Circuit's *en banc* ruling in the *Kilgore* case on Plaintiffs' request for
10 injunctive relief.

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13 PURSUANT TO STIPULATION, IT IS SO ORDERED.

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16
17 Dated: April 17, 2013


The Honorable Jeffery S. White
UNITED STATES DISTRICT JUDGE