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 INC., a California corporation

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

14 HEATHER DIEFFENBACH, individually
 and on behalf of all others similarly situated,

15 Plaintiff,

16 vs.

17 BARNES & NOBLE, INC., a California
 corporation,

18 Defendant.

Case No. 3:12-cv-05800-EDL

**STIPULATION EXTENDING TIME
 FOR DEFENDANT TO RESPOND TO
 COMPLAINT (LOCAL RULE 6-1(a))
 AND REQUESTING CONTINUANCE
 OF CASE MANAGEMENT
 CONFERENCE AND RELATED
 DEADLINES (LOCAL RULES 6-1(b) &
 6-2); ~~PROPOSED~~ ORDER]**

Action Filed: November 9, 2012

1 **RECITALS**

2 1. Plaintiffs Heather Dieffenbach filed the instant complaint on November 9, 2012.

3 2. Defendant Barnes & Noble, Inc. was served with the complaint on or about
4 December 5, 2012.

5 3. By order dated November 9, 2012, and served on Defendant on December 5, 2012,
6 the court set (a) a deadline of January 15, 2013 for the parties to meet and confer regarding ADR
7 and other matters and file ADR certifications and stipulations or notices, (b) a deadline of
8 January 29, 2013 for the parties to file a Rule 26(f) report and case management statement, and
9 (c) an initial case management conference on February 5, 2013 at 10:00 a.m.

10 4. Pursuant to Local Rule 6-1(a), the parties have agreed that Barnes & Noble may
11 have an extension to February 8, 2013 to respond to the complaint.

12 5. Pursuant to Local Rule 6-1(b) and 6-2, the parties also request that the court
13 continue the other dates set in the November 9, 2012 order by approximately 30 days. The parties
14 believe that these discussions, the initial disclosures, and the case management conference will be
15 more fruitful if the parties first have the opportunity to review Barnes & Noble's responsive
16 pleading.

17 6. There have been no prior time modifications in this case.

18 WHEREAS, the parties stipulate and agree as follows:

19 **STIPULATION**

20 1. Barnes & Noble shall have up to and including February 8, 2013 to answer or
21 otherwise respond to the Complaint; and

22 2. The parties request that Court extend the other dates set forth in the November 9,
23 2012 order by approximately 30 days.

24 **PROPOSED ORDER**

25 Pursuant to the stipulation of the parties, (a) the last day for the parties to meet and confer
26 regarding initial disclosures, early settlement, ADR process, and discovery plan; file ADR
27 Certification signed by Parties and Counsel; and file either Stipulation to ADR Process or Notice
28 of Need for ADR Phone Conference is continued to February 15, 2013; (b) the last day to file

1 Rule 26(f) Report, complete initial disclosures or state objections in Rule 26(f) Report, and file
2 Case Management Statement is continued to February 28, 2013; and (c) the Initial Case
3 Management Conference is reset for March 12, 2013, at 10:00 a.m. in Courtroom E, 15th Floor.

4
5 DATED: December 27, 2012


Hon. Elizabeth D. Laporte
United States Magistrate Judge

6
7 Approved as to form and stipulations:

8 MARKUM ZUSMAN & COMPTON LLP

9
10 By: /s/ William A. Baird
WILLIAM A. BAIRD

11 Attorneys for Plaintiff Heather Diffenbach,
12 individually and on behalf of all others
similarly situated.

13 ARNOLD & PORTER LLP

14
15 By: /s/ Daniel B. Asimow
DANIEL B. ASIMOW

16 Attorneys for Defendant Barnes & Noble,
17 Inc.

18 **Filer's Attestation**

19 I, Daniel B. Asimow, am the ECF user whose ID and password are being used to file this
20 **Stipulation Extending Time for Defendant to Respond to Complaint (Local Rule 6-1(a)) and**
21 **Requesting Continuance of Case Management Conference and Related Deadlines (Local**
22 **Rules 6-1(b) & 6-2); [Proposed Order].** In compliance with General Order 45, X.B., I hereby
23 attest that William A. Baird has concurred in this filing.

24 DATED: December 26, 2012

25 /s/ Daniel B. Asimow
DANIEL B. ASIMOW