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Counsel for Plaintiffs and the Class

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA**

JOHN FALKENBERG and STEVEN
 INGARGIOLA, on behalf of themselves and
 all others similarly situated,

Plaintiffs

v.

ALERE HOME MONITORING, Inc.,

Defendant.

CASE NO. 13-cv-00341-JST

**STIPULATION: (1) FOR EXTENDING
 BRIEFING SCHEDULE ON THE
 MOTION TO DISMISS AND MOTION TO
 STRIKE; (2) TO CONTINUE THE
 HEARING ON THE MOTION TO
 DISMISS AND MOTION TO STRIKE
 FROM JANUARY 8, 2015, TO JANUARY
 22, 2015; AND (3) TO CONTINUE THE
 CASE MANAGEMENT CONFERENCE
 FROM JANUARY 14, 2015, UNTIL
 FEBRUARY 25, 2015**

Judge: Hon. Jon Tigar
 Ctrm: 9, 19th Floor

Pursuant to Local Rules 6-2 and 7-12, Plaintiffs John Falkenberg and Steven Ingargiola (collectively “Plaintiffs”) and Defendant Alere Home Monitoring, Inc. (“Alere”) agree and stipulate as follows:

WHEREAS, in this action, Alere filed a motion to dismiss and motion to strike, which are pending, with opposition briefs due on December 1, 2014 and reply briefs due on December 8, 2014, and the hearing currently set to take place on January 8, 2015;

WHEREAS counsel for Plaintiffs have a busy litigation schedule and in light of the upcoming holidays, Plaintiffs respectfully request an extension in order to meet Plaintiffs’ current deadline for filing their opposition briefs (Blankinship Decl., ¶ 3);

WHEREAS the parties previously stipulated to extend Alere’s time to respond to the complaint by six (6) weeks (*Id.* at ¶ 4);

WHEREAS the parties previously stipulated to extend Plaintiffs time to oppose Alere’s motion to dismiss and motion to strike the complaint by approximately four (4) weeks, Alere’s reply papers thereto by approximately six (6) weeks, the hearing on Alere’s motion to dismiss and motion to strike by approximately four (4) weeks, and the case management conference by approximately six (6) weeks (*Id.* at ¶ 5);

WHEREAS this extension will not impact the case’s schedule outside of the relief of the instant stipulation;

NOW, THEREFORE, Plaintiffs and Alere, by and through their attorneys of record, agree and stipulate that:

- (1) Plaintiffs’ deadline to oppose Alere’s motion to dismiss and motion to strike shall be December 15, 2014;
- (2) Alere’s deadline to reply in support of its motion to dismiss and motion to strike shall be January 8, 2015;
- (3) The hearing on Alere’s motion to dismiss and motion to strike shall be continued to January 22, 2015, at 2:00 P.M.

Pursuant to Local Rules 6-2, 7-12 and 16-2(e), Plaintiffs and Alere further agree and stipulate as follows:

WHEREAS a case management conference is currently scheduled for January 14, 2015;

WHEREAS the parties believe that the case management conference would be more productive and beneficial if it were held at a time when the briefing on Alere's motion to dismiss and motion to strike is complete and the Court is fully apprised of the landscape of this action;

NOW, THEREFORE, Plaintiffs and Alere, by and through their attorneys of record, agree and stipulate that the case management conference will be continued to February 25, 2015, at 2:00 P.M., or until a date and time that is acceptable to the Court, so as to follow the hearing and decision on Alere's motion to dismiss and motion to strike. The parties will submit their joint case management statement five (5) court days prior to the new conference date, and will comply with the deadlines set forth in Fed. R. Civ. Proc. 26 as they relate to this new date.

DATED: November 26, 2014

By: /s/ D. Greg Blankinship
D. Greg Blankinship (*Pro Hac Vice*)
Jeremiah Frei-Pearson (*Pro Hac Vice*)
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Counsel for Plaintiffs and the Class

DATED: November 26, 2014

By: /s/ Stephanie Sheridan

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Counsel for Defendant

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: November 26, 2014

