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23 Attorneys for Individual and Representative Plaintiff

24 [Attorneys for Defendant on Signature Page]

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

27 Jose Rubio-Delgado,
 28 individually, on behalf of other similarly
 29 situated individuals, and on behalf of the
 30 general public,
 31
 32 Plaintiff,
 33
 34 v.
 35
 36 Aerotek, Inc.,
 37 Defendant.

38 Case No.:3:13-cv-03105-CRB
 39 **STIPULATION TO VACATE**
 40 **CASE MANAGEMENT**
 41 **CONFERENCE AND**
 42 **ASSOCIATED DEADLINES**
 43
 44 Judge: Honorable Charles R. Breyer
 45 Courtroom: 6
 46 Date: November 20, 2015
 47 Time: 8:30 AM
 48
 49 Complaint Filed: July 3, 2013

1 Plaintiff Jose Rubio-Delgado (“Plaintiff”) and Defendant Aerotek, Inc.
2 (“Defendant”) (collectively the “parties”), by and through their counsel, hereby
3 STIPULATE and AGREE as follows:

4 WHEREAS, on August 21, 2015, Defendant filed a Motion to Stay this Action
5 pending the resolution of one of two pending cases, *Syed v. M-I, LLC*, No. 14-17186 (9th
6 Cir. 2014) and *Spokeo, Inc. v. Robins*, 135 S. Ct. 1892, No. 13-1339 (2015) (ECF No.
7 62);¹

8 WHEREAS, Plaintiff filed a Statement of Non-Opposition on September 4, 2015
9 (ECF No. 65);

10 WHEREAS, the Court granted Defendant’s Motion on September 22, 2015 (ECF
11 No. 67) which stayed this matter pending the resolution of either *Syed* or *Spokeo*,
12 whichever is resolved earlier, and ordered the parties to meet and confer following such
13 resolution, promptly request a status conference and provide the Court with an updated
14 status conference report seven (7) days prior to that conference;

15 WHEREAS, this action was reassigned to the Honorable Charles R. Breyer after
16 the retirement of the Honorable Samuel Conti (ECF No. 69), and the Court thereafter set a
17 November 20, 2015 Case Management Conference and related meet and confer and case
18 management statement deadlines (ECF No. 70);

19 WHEREAS, the parties have a mediation tentatively scheduled for January 13,
20 2016 before mediator Eric Green;

21 WHEREFORE, the parties respectfully request that the September 22, 2015 Order
22 staying this case should be maintained, and the November 20, 2015 Case Management
23 Conference and related meet and confer and case management statement deadlines should
24 therefore be vacated pending the resolution of either *Syed* or *Spokeo*, whichever is
25 resolved earlier.

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27 ¹ For the Court’s convenience, copies of the ECF dockets referenced herein are attached to
28 this Stipulation.

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Dated: November 11, 2015

NICHOLS KASTER, PLLP

By: /s/ Joseph C. Hashmall
Joseph C. Hashmall (*pro hac vice*)

ATTORNEY FOR INDIVIDUAL AND REPRESENTATIVE PLAINTIFF

Dated: November 11, 2015

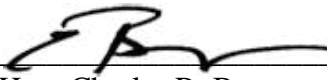
LITTLER MENDELSON, P.C.

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ATTORNEYS FOR DEFENDANT

IT IS SO ORDERED. The November 20, 2015 Case Management Conference and related meet and confer and case management statement deadlines are accordingly VACATED.

Date: Nov. 12, 2015


Hon. Charles R. Breyer
United States District Judge