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12 ATTORNEY FOR DEFENDANT CSK AUTO, INC.

13 UNITED STATES DISTRICT COURT  
 14 NORTHERN DISTRICT OF CALIFORNIA

15  
 16 OSMIN MELGAR individually and on behalf  
 of all others similarly situated,

17  
 18 PLAINTIFF,

19 VS.

20 CSK AUTO, INC., an Arizona Corporation,  
 21 and DOES 1-100

22 DEFENDANTS.  
 23

**CASE NO. 3:13-CV-03769-EMC**

**JOINT REQUEST TO CONTINUE THE  
 OCTOBER 18, 2016 STATUS  
 CONFERENCE**

Date: October 18, 2016  
 Time: 10:30 A.M.  
 Courtroom: 5

24  
 25 Plaintiffs OSMIN MELGAR and KARO KHATCHADOORIAN (“Plaintiffs”) and  
 26 Defendant CSK AUTO, INC. k/n/a O’Reilly Auto Enterprises, LLC (“Defendant”) (collectively,  
 27 the “Parties”) submit this Joint Request to Continue the October 18, 2016 Status Conference  
 28 regarding class certification.

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2 On March 8, 2016, the U.S. Circuit Court of Appeals for the Ninth Circuit granted  
3 Defendant's petition to appeal the district court's December 22, 2015 order granting class  
4 certification. Appellant CSK Auto, Inc. filed its opening brief on July 13, 2016. Appellee Osmin  
5 Melgar filed their answering brief of September 15, 2016. The court granted Appellant's request  
6 for an extension to file a reply brief by October 17, 2016.  
7

8 Additionally, Plaintiffs' counsel's office is closed from October 17, 2016 through  
9 October 25, 2016 for the Jewish holiday of Sukkos.  
10

11 In light of the appeal before the U.S. Circuit Court of Appeals for the Ninth Circuit, and  
12 Plaintiffs' counsel's unavailability, the Parties respectfully request that this Court continue the  
13 October 18, 2016 Status Conference to November 10, 2016 at 10:30am, and that the Parties be  
14 allowed to appear telephonically. Plaintiffs' counsel may be reached at 310-203-3362, and  
15 Defendant's counsel may be reached at 619-236-1551.  
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17  
18 Respectfully submitted,

19 Dated: October 6, 2016

MICHAEL MALK, ESQ. APC

20  
21 By:       /s/ Michael Malk        
Michael Malk  
Attorneys for Plaintiffs and the Class  
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23 Dated: October 6, 2016

HIGGS, FLETCHER & MACK LLP

24  
25 By:       /s/ Edwin Boniske        
Edwin Boniske  
Attorneys for Defendant CSK Auto, Inc.  
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1 **ATTESTATION**

2 I, Michael Malk, am the ECF user whose User ID and Password are being used to file  
3 this Joint Request To Continue The October 18, 2016 Status Conference. In compliance with  
4 applicable Local Rules, I hereby attest that concurrence in the filing of this Joint Request has  
5 been obtained from signatory Edwin Boniske, Esq.  
6

7 Respectfully submitted,

8 Dated: October 6, 2016

MICHAEL MALK, ESQ. APC

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11 By: */s/ Michael Malk*  
12 Michael Malk  
13 Attorneys for Plaintiff and the Class  
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1 **ORDER**

2 Pursuant to the stipulation of the Parties, and **GOOD CAUSE APPEARING**  
3 **THEREFOR**, the Court hereby **ORDERS** that the Status Conference currently scheduled for  
4 October 18, 2016 be continued to 11/10/16 at 10:30 AM.

5 The Parties may appear telephonically. Court to call parties between 10:30  
6 and 11:30 a.m.

7 **IT IS SO ORDERED.**

8  
9 Dated: 10/11, 2016

