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 LINEBARGER GOGGAN BLAIR & SAMPSON LLP,
 8 a Texas limited liability partnership

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **SAN FRANCISCO**

13 4EC HOLDINGS, LLC, a Delaware limited liability
 company,

14 Plaintiff,

15 vs.

16 LINEBARGER GOGGAN BLAIR & SAMPSON
 LLP, a Texas limited liability partnership,

17 Defendant.
 18

Case No. 3:14-cv-01944 VC

STIPULATION AND
~~**PROPOSED**~~ **ORDER TO**
EXTEND FILING DATE OF
REPLY BRIEF AND TO
CONTINUE HEARING
 AS MODIFIED

Honorable Vince Chhabria

1 The parties, by and through their respective counsel of record and subject to the Court's
2 approval, state and stipulate as follows:

3 **BACKGROUND**

4 WHEREAS, Plaintiff 4EC Holdings, LLC ("4EC") commenced this putative class action
5 with its filing of its Complaint for Unfair Competition in the Superior Court of the State of
6 California in and for the City and County of San Francisco on May 28, 2013, naming Linebarger
7 Goggan Blair & Sampson LLP ("Linebarger") as defendant and asserting claims under
8 provisions of the California Unfair Competition Law;

9 WHEREAS, Linebarger removed the case to this Court on April 28, 2014;

10 WHEREAS, on May 23, 2014, the parties stipulated that this matter reached a stage at
11 which it would be appropriate for the parties to explore a possible settlement;

12 WHEREAS, the parties also stipulated that any settlement discussions would be
13 facilitated by a standstill of the litigation for a limited period of time, including without
14 limitation postponement of briefing and hearing on several pending motions and the proceedings
15 surrounding an initial case management conference – all without prejudice to any claims,
16 defenses, arguments or positions the respective parties may have;

17 WHEREAS, on May 28, 2014, the Court ordered a short stay of the litigation and that
18 4EC shall file its reply brief in support of its Motion to Remand (Dkt No. 14) on or before
19 September 25, 2014. The Court also scheduled a hearing on the Motion to Remand on October
20 16, 2014 at 1:30 p.m.

21 WHEREAS, on July 31, 2014, the parties attended a mediation session presided over by
22 Ret. Judge Vaughn R. Walker. The parties participated in good faith but were unable to reach a
23 resolution during this mediation session.

24 WHEREAS, the parties have continued to negotiate a possible settlement with the
25 assistance of Judge Walker, and have made substantial progress toward resolving the matter.
26 The parties believe that a 30-day postponement of the briefing and hearing on 4EC's Motion to
27 Remand would permit them the opportunity to continue negotiations toward a settlement in the
28 case and potentially resolve the case.

1 **STIPULATION**

2 NOW, THEREFORE, subject to the Court’s approval, the parties agree and stipulate as
3 follows:

4 1. 4EC’s reply brief in support of its Motion to Remand is now due on October 27,
5 2014.

6 2. The hearing on 4EC’s Motion to Remand is now scheduled for November 20,
7 2014 at 10:00 a.m (or such other date and time thereafter as may convenience the Court).

8 3. This Stipulation is entered into for the purpose of facilitating a possible settlement
9 of this action. Discussions in and surrounding the mediation, including without limitation all
10 statements made in connection with mediation-related submissions to the neutral shall be strictly
11 confidential and shall be subject to Fed. R. Evid. 408 or other applicable rules or statutes
12 intended to maintain the confidentiality of settlement-related communications. Except as
13 expressly provided in this Stipulation, the agreements reflected in this Stipulation are without
14 prejudice to any claims, defenses, arguments or positions the respective parties may have in this
15 action.

16 4. Nothing contained or contemplated herein shall constitute affirmative conduct on
17 the part of 4EC that would waive its right to seek remand of this action.

18
19 **IT IS SO STIPULATED.**

20 Dated: September 23, 2014

Respectfully submitted,

VINSON & ELKINS LLP

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23 By: /s/ Michael L. Charlson
Michael L. Charlson

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25 Attorneys for Defendant
Linebarger Goggan Blair
26 & Sampson LLP

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28 McGRANE LLP

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By: /s/ William McGrane
William McGrane

Attorneys for Plaintiff
4EC Holdings, LLC

~~PROPOSED~~ ORDER AS MODIFIED

Pursuant to Stipulation of the parties and upon good cause showing, the Court HEREBY ORDERS that:

1. 4EC's reply brief in support of its Motion to Remand is now due on October 27, 2014.

2. The hearing on 4EC's Motion to Remand is now scheduled for November 20, 2014 at 10:00 a.m (or such other date and time thereafter as may convenience the Court).

3. The Court recognizes that the parties have entered into the accompanying Stipulation for the purpose of facilitating a possible settlement of this action. Discussions in and surrounding the mediation, including without limitation all statements made in connection with mediation-related submissions to the neutral shall be strictly confidential and shall be subject to Fed. R. Evid. 408 or other applicable rules or statutes intended to maintain the confidentiality of settlement-related communications. Except as expressly provided in this Order or the accompanying Stipulation, the parties' agreements reflected in the Stipulation are without prejudice to any claims, defenses, arguments or positions the respective parties may have in this action. 5. The Court does not anticipate granting any further continuances of the hearing on the motion to remand.

IT IS SO ORDERED.

DATED: September 24, 2014

