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15 Counsel for Plaintiff ASHLEY AMIRHAMZEH

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18 **UNITED STATES DISTRICT COURT**
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20 **NORTHERN DISTRICT OF CALIFORNIA - SAN FRANCISCO DIVISION**

21 ASHLEY AMIRHAMZEH,
22 individually, and on behalf of all others
23 similarly situated,

24 Plaintiffs,

25 v.

26 WELLS FARGO BANK, N.A.,
27 TRILEGIANT CORPORATION, a
28 Delaware Corporation, and DOES 1
through 20, inclusive,

Defendants.

CASE NO. 14-CV-02123-VC

**STIPULATED REQUEST FOR
ORDER CHANGING TIME;
~~PROPOSED~~ ORDER, AS MODIFIED
DECLARATION OF FARRAH
MIRABEL IN SUPPORT**

29 Pursuant to Local Rules 6-1 and 6-2, and as supported by the Declaration of
30 Farrah Mirabel filed herewith, Plaintiff Ashley Amirhamzeh, on behalf of all others
31 similarly situated (collectively "Plaintiff"), on the one hand, and Defendants Wells
32 Fargo Bank, N.A. ("Wells Fargo") and Trilegiant Corporation ("Trilegiant")
33 (collectively, "Defendants"), by and through their undersigned counsel, hereby

1 stipulate and respectfully request that the Court extend the deadline for Plaintiff to
2 file oppositions to Wells Fargo’s Motion to Compel Arbitration and Stay
3 Proceedings (“Motion to Compel and Stay”) and Trilegiant’s Motion to Dismiss or
4 Stay the Case and Compel Arbitration, or in the alternative, to Dismiss Pursuant to
5 Fed. R. Civ. P. 12(b)(1) and 12(b)(6) (“Motion to Dismiss or Stay”) (collectively
6 referred to as the “Motions” or the “Defendants’ Motions”). The parties declare in
7 support of this request:

8 WHEREAS, the Defendants filed their Motions and effectuated service on
9 Plaintiff on August 8, 2014, making Plaintiff’s opposition briefs due on August 22,
10 2014 pursuant to Local Rule 7-3;

11 WHEREAS, a Case Management Conference (“CMC”) is currently
12 scheduled for September 23, 2014 at 10:00 a.m., with a Joint Case Management
13 Statement to be filed no later than September 16, 2014;

14 WHEREAS, in its order of July 24, 2014, this Court indicated that if the
15 parties file any motions prior to September 16, 2014, the parties may stipulate to
16 continue the CMC currently set for September 23, 2014, to the time and date of the
17 hearings of such motions;

18 WHEREAS, the hearings on the Defendants’ Motions are currently set for
19 October 2, 2014;

20 WHEREAS, Plaintiff requires additional time to prepare her opposition
21 briefs. The reason for the requested enlargement of time is due to the recent death
22 of an immediate family member of Plaintiff’s counsel Farrah Mirabel;

23 WHEREAS, this is Plaintiff’s first request for an extension of time to file her
24 opposition briefs to the Defendants’ Motions;

25 WHEREAS, the parties have met and conferred and Defendants do not
26 oppose Plaintiff’s request for an additional twenty-one (21) days within which to
27 file her opposition briefs; and

28 //

1 WHEREAS, the parties believe it would be most efficient to continue the
2 CMC and all other deadlines set forth in the Initial Case Management Scheduling
3 Order, pending the hearing on the Motions.

4 NOW, THEREFORE, pursuant to Local Rule 6-2, the parties through their
5 respective attorneys stipulate as follows:

6 1. Plaintiff shall have up to and including September 12, 2014, to file her
7 opposition briefs to Wells Fargo's Motion to Compel Arbitration and Stay
8 Proceedings and Trilegiant's Motion to Dismiss or Stay the Case and Compel
9 Arbitration, or in the alternative, to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1)
10 and 12(b)(6);

11 2. Defendants shall have up to and including September 26, 2014, to file
12 their reply briefs;

13 3. The hearing on Defendants' Motions currently set for October 2, 2014,
14 will be continued to October 16, 2014, at 10:00 a.m., or such date shortly thereafter
15 as may be selected by the Court, depending on the Court's preference and
16 availability;

17 4. The CMC currently set for September 23, 2014, will be continued to the
18 hearing date for Defendants' Motions, or such date shortly thereafter as may be
19 selected by the Court, depending on the Court's preference and availability. All
20 other deadlines set forth in the Initial Case Management Scheduling Order,
21 including the deadline for the parties to submit a Joint Case Management
22 Statement, are continued accordingly.

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1 **IT IS SO STIPULATED.**

2 Dated: August 22, 2014

LAW OFFICES OF FARRAH MIRABEL

3 By: s/ Farrah Mirabel
4 Farrah Mirabel

5 **LAW OFFICES OF J. KIRK**
6 **DONNELLY, APC**

7 By: s/ J. Kirk Donnelly
8 J. Kirk Donnelly

9 Attorneys for Plaintiffs ASHLEY
10 AMIRHAMZEH, individually and on behalf
11 of all others similarly situated

12 Dated: August 22, 2014

HANSON BRIDGETT LLP

13 By: s/ John T. Cu
14 John T. Cu
15 Gilbert J. Tsai
16 Attorneys for Defendant WELLS
17 FARGO BANK, N.A.

18 Dated: August 22, 2014

MORGAN, LEWIS & BOCKIUS LLP

19 By: s/ Gregory T. Fouts
20 Joseph E. Floren
21 Kenneth M. Kilebard
22 Gregory T. Fouts
23 Attorneys for Defendant TRILEGIANT
24 CORPORATION
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ATTESTATION PER LOCAL CIVIL RULE 5-1(I)(3)

I am a signatory to this document and am the person whose ECF and ID and passwords are being utilized in its electronic filing with the Court. I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories hereto.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct. Executed this 22nd day of August 2014 at Newport Beach, California.

s/ Farrah Mirabel
Farrah Mirabel

2 **PURSUANT TO STIPULATION, AND GOOD CAUSE APPEARING,**
3 **THE COURT ORDERS AS FOLLOWS:**

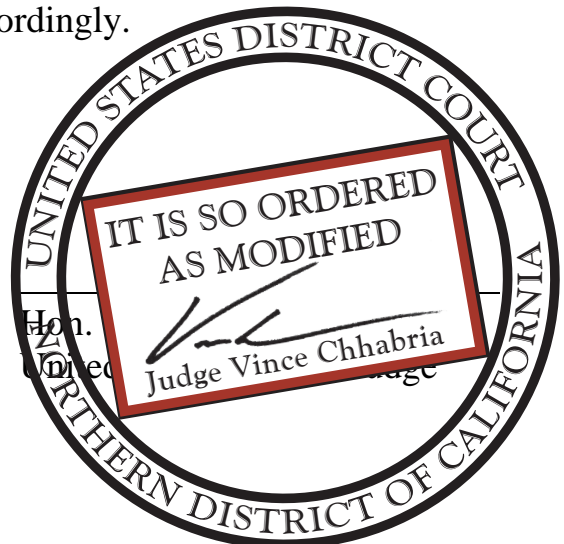
4 Plaintiff shall have up to and including September 12, 2014, to file her
5 opposition briefs to Defendant Wells Fargo Bank, N.A.'s ("Wells Fargo") Motion
6 to Compel Arbitration and Stay Proceedings and Defendant Trilegiant
7 Corporation's ("Trilegiant") Motion to Dismiss or Stay the Case and Compel
8 Arbitration, or in the alternative, to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1)
9 and 12(b)(6) (collectively referred to as "Defendants' Motions"). Defendants shall
10 have up to and including September 26, 2014, to file their reply briefs in support of
11 their motions.

12 The hearing on Defendants' Motions currently set for October 2, 2014, at
13 10:00 a.m., will be continued to 10:00 a.m. on October 16, 2014 ~~(or _____~~
14 ~~2014 [an alternate date as selected by the Court, depending on the Court's~~
15 ~~preference and availability]);~~

16 The case management conference currently set for September 23, 2014,
17 ^{October 28, 2014, at 10:00 a.m.}
will be continued to ~~the hearing date for Defendants' Motions as set forth in the~~
18 ~~preceding paragraph.~~ All other deadlines set forth in the Initial Case Management
19 Scheduling Order, including the deadline for the parties to submit a Joint Case
20 Management Statements, are continued accordingly.

21 **IT IS SO ORDERED.**

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24 DATED: August 22, 2014



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26 WELLS FARGO BANK, N.A.,
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through 20, inclusive,

Defendants.

CASE NO. 14-CV-02123-VC

**DECLARATION OF FARRAH
MIRABEL IN SUPPORT OF
STIPULATED REQUEST FOR
ORDER CHANGING TIME**

[Local Rule 6-2]

29 I, Farrah Mirabel, declare as follows:

30 1. I am the principal attorney of the Law Offices of Farrah Mirabel and an
31 attorney of record for Plaintiff Ashley Amirhamzeh, individually and on behalf of
32 all others similarly situated (collectively "Plaintiff"). The matters within this
33 declaration are true of my personal knowledge or, where stated otherwise, upon
34 information and belief.

1 2. The parties to this case are submitting a stipulated request for an order
2 modifying the briefing schedule on Defendants Wells Fargo’s Motion to Compel
3 Arbitration and Stay Proceedings and Trilegiant’s Motion to Dismiss or Stay the
4 Case and Compel Arbitration, or in the alternative, to Dismiss Pursuant to Fed. R.
5 Civ. P. 12(b)(1) and 12(b)(6), (collectively referred to as the “Motions”).

6 3. Pursuant to the stipulated request, Plaintiff’s opposition brief would be due
7 September 12, 2014, and Defendants’ reply briefs in support of their motions would
8 be due on September 26, 2014.

9 4. The Motions are currently set to be heard on October 2, 2014, at 10:00 a.m.
10 In order to ensure that the Court has sufficient time to review the parties’ respective
11 briefs, both parties stipulate and respectfully request a continuance of the hearing
12 date from October 2, 2014, to October 16, 2014, at 10:00 a.m., or such date shortly
13 thereafter as may be selected by the Court, depending on the Court’s preference and
14 availability.

15 5. This request is made for good cause. I recently suffered the loss of an
16 immediate family member and I am experiencing great grief and sorrow. An
17 enlargement of time would enable the parties to provide better briefing to assist the
18 Court in resolving the Motions. The parties stipulate to this request.

19 6. The previous modifications of time in this case are as follows:

20 a. On July 7, 2014, the Court endorsed the parties’ stipulation
21 extending the time for Defendants to respond to Plaintiffs First Amended
22 Complaint. Doc. 17.

23 b. On July 24, 2014, upon the parties’ stipulated request, the Court
24 continued a Case Management Conference from August 12, 2014, to
25 September 23, 2014. Docs. 18, 19. In its order, this Court indicated that if
26 the parties file any motions prior to the due date of the Joint Case
27 Management Statement, the parties may stipulate to continue the Case
28 Management Conference currently set for September 23, 2014, to the time
and date of the hearings of Defendants’ Motions.

1 7. The parties believe it would be most efficient to continue the Case
2 Management Conference, currently scheduled for September 23, 2014, and all other
3 deadlines set forth in the Initial Case Management Scheduling Order pursuant to
4 Pursuant to this Court's order of July 24, 2014.

5 8. This proposed modification of time will impact the hearing date on the
6 Defendants' Motions currently set for October 2, 2014, and the case management
7 conference currently set for September 23, 2014. All other deadlines set forth in the
8 Initial Case Management Scheduling Order will also be continued accordingly.

9 I declare under the penalty of perjury under the laws of the State of
10 California that the foregoing is true and correct. Executed this 22nd day of August
11 2014 at Newport Beach, California.

12 s/ Farrah Mirabel
13 Farrah Mirabel