

1 HANSON BRIDGETT LLP
 JOHN T. CU, SBN 207402
 2 jcu@hansonbridgett.com
 GILBERT J. TSAI, SBN 247305
 3 gtsai@hansonbridgett.com
 425 Market Street, 26th Floor
 4 San Francisco, California 94105
 Telephone: (415) 777-3200
 5 Facsimile: (415) 541-9366

6 Attorneys for Defendant Wells Fargo Bank, N.A.

7
 8 **UNITED STATES DISTRICT COURT**

9 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

10 ASHLEY AMIRHAMZEH, individually, and
 11 on behalf of all others similarly situated,

12 Plaintiffs,

13 v.

14 WELLS FARGO BANK, N.A.,
 TRILEGIANT CORPORATION, a Delaware
 15 Corporation, and DOES 1 through 20,
 inclusive,

16 Defendants.
 17

CASE NO. 14-CV-02123 VC

**STIPULATED REQUEST FOR ORDER
 ENLARGING TIME RE DEFENDANTS'
 MOTIONS CURRENTLY SET FOR
 OCTOBER 16, 2014; [PROPOSED]
 ORDER AS MODIFIED**

18
 19 Pursuant to Local Rules 6-1 and 6-2, Plaintiff Ashley Amirhamzeh, on behalf of all others
 20 similarly situated (collectively "Plaintiff"), on the one hand, and Defendants Wells Fargo Bank,
 21 N.A. ("WFB") and Trilegiant Corporation ("Trilegiant") (collectively, "Defendants") on the other,
 22 by and through their undersigned counsel, hereby stipulate and respectfully request that the Court
 23 continue the hearing on WFB's Motion to Compel Arbitration and Stay Proceedings ("WFB's
 24 Motion") and Trilegiant's Motion to Dismiss or Stay the Case and Compel Arbitration, or in the
 25 alternative, to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) ("Trilegiant's Motion")
 26 (collectively referred to as "Defendants' Motions"), which is currently set for October 16, 2014 to
 27 October 28, 2014. The parties declare in support of this request as follows:
 28

1 WHEREAS, the Defendants filed their Motions and effectuated service on Plaintiff on
2 August 8, 2014;

3 WHEREAS, on August 22, 2014, the Parties filed a Stipulated Request For Order
4 Changing Time; [Proposed] Order, and Declaration of Farrah Mirabel In Support, wherein the
5 Parties stipulated to: extend the deadline on which Plaintiff must file her opposition briefs to
6 Defendants' Motions to September 12, 2014; extend the deadline on which Defendants must file
7 their respective reply briefs to September 26, 2014; and reschedule the hearing on Defendants'
8 Motions from October 2, 2014 to October 16, 2014;

9 WHEREAS, pursuant to Order of this Court dated August 22, 2014 ("August 22 Order"),
10 the Court set the hearing for Defendants Motions for October 16, 2014 at 10:00 a.m. and the initial
11 Case Management Conference for October 28, 2014 at 10:00 a.m.;

12 WHEREAS, Plaintiff's lead counsel is based in Newport Beach, California, and expects to
13 travel to San Francisco to appear in Court both to argue Defendants' Motions on October 16, 2014
14 and attend the Case Management Conference on October 28, 2014;

15 WHEREAS, Trilegiant's lead counsel, Kenneth M. Kliebard of the law firm of Morgan,
16 Lewis & Bockius LLP, is based in Chicago, Illinois, and expects to travel to San Francisco to
17 appear in Court both to argue Trilegiant's Motion on October 16, 2014 and attend the Case
18 Management Conference on October 28, 2014;

19 WHEREAS, WFB's lead counsel, John T. Cu of the law firm of Hanson Bridgett LLP has
20 a scheduled business meeting on October 15 – 16 in Richmond, Virginia;

21 WHEREAS, having met and conferred and reached agreement that, to promote efficiency
22 by saving on costs and fees incurred related to multiple travels by Plaintiff's counsel and
23 Trilegiant's counsel, to accommodate Mr. Cu's conflict on October 16, 2014, and to promote
24 judicial economy, the Parties hereby request that the Court continue the hearing on Defendants'
25 Motions currently set for October 16, 2014 to October 28, 2014, the date currently set for the
26 initial Case Management Conference;

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

1 1. The hearing on Defendants' Motions currently set for October 16, 2014, will be
2 continued to October 28, 2014, at 10:00 a.m. to be heard immediately before or
3 contemporaneously with the initial Case Management Conference also scheduled for October 28,
4 2014 at 10:00 a.m.

5 2. All other deadlines set forth in the Initial Case Management Scheduling Order,
6 including the deadline for the parties to submit a Joint Case Management Statement, shall remain
7 as currently set.

8 **IT IS SO STIPULATED.**

9 Dated: September 30, 2014

LAW OFFICES OF FARRAH MIRABEL

By: s/ Farrah Mirabel

Farrah Mirabel

LAW OFFICES OF J. KIRK DONNELLY, APC

By: s/ J. Kirk Donnelly

J. Kirk Donnelly

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

17 Dated: September 30, 2014

HANSON BRIDGETT LLP

By: s/ John T. Cu

John T. Cu
Gilbert J. Tsai
Attorneys for Defendant WELLS FARGO
BANK, N.A.

23 Dated: September 30, 2014

MORGAN, LEWIS & BOCKIUS LLP

By: s/

Joseph E. Floren
Kenneth M. Kliebard
Gregory T. Fouts
Attorneys for Defendant TRILEGIANT
CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ATTESTATION PER LOCAL CIVIL RULE 5-1(D)(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 30th day of September at San Francisco, California.

_____ s/ John T. Cu
John T. Cu

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

~~PROPOSED~~ ORDER AS MODIFIED

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

The hearing on Defendants' Motions currently set for October 16, 2014, at 10:00 a.m., will be continued to 10:00 a.m. on October ~~28~~³⁰, 2014 to be heard before (or contemporaneously with) the Initial Case Management Conference currently set for October ~~28~~³⁰, 2014 at 10:00 a.m.

All other deadlines set forth in the Initial Case Management Scheduling Order, including the deadline for the parties to submit a Joint Case Management Statement, shall remain as currently set.

IT IS SO ORDERED.

DATED: October 1, 2014

