1 2 3 4 5 6	VINSON & ELKINS LLP Mortimer H. Hartwell, Bar No. 154556 mhartwell@velaw.com Colin P. McDonell, Bar No. 289099 cmcdonell@velaw.com 525 Market Street, Suite 2750 San Francisco, CA 94105-2763 Tel: +1.415.979.6900 Fax: +1.415.651.8786 Attorneys for Defendant		
7	AliphCom dba Jawbone		
8	UNITED STATES DISTRICT COURT		
9	NORTHERN DISTRICT OF CALIFORNIA		
10	ROBERT FRENZEL, individually and on behalf of all others similarly situated, Plaintiff, vs. ALIPHCOM d/b/a JAWBONE, Defendant.	Case No. 3:14-cv-03587 STIPULATION AND ORDER CONTINUING HEARING ON DEFENDANT ALIPHCOM DBA JAWBONE'S MOTION TO DISMISS PLAINTIFF'S FIRST AMENDED COMPLAINT AND MODIFYING BRIEFING SCHEDULE	
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15		Judge: Dept.:	Hon. William H. Orrick Courtroom 2, 17th Floor
16 17			
18	Durguent to Civil Legal Pule 6.2 plaintif	f Dobort Franzol ("	"Plaintiff") and defendant
19	Pursuant to Civil Local Rule 6-2, plaintiff Robert Frenzel ("Plaintiff") and defendant		
20	AliphCom dba Jawbone ("Defendant," and jointly with Plaintiff, the "Parties"), through their		
21	respective counsel of record herein, hereby agree and stipulate to the following:		
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20	STIPULATION &ORDER CONTINUING HEARING DATE	1	Case No.: 3:14-cv-03587

1	STIPULATION			
2	WHEREAS, the Parties previously stipulated to Defendant filing its Motion to Dismiss			
3	the First Amended Complaint ("FAC") by March 16, 2015, Plaintiff serving its opposition paper			
4	by April 17, 2015, and Defendant filing its reply papers, if any, by May 1, 2015;			
5	WHEREAS, pursuant to the stipulation between the Parties, the Court ordered that			
6	Defendant file its Motion to Dismiss the FAC by March 16, 2015, Plaintiff serve its opposition			
7	papers by April 17, 2015, and Defendant file its reply papers, if any, by May 1, 2015;			
8	WHEREAS, Defendant filed its Motion to Dismiss the FAC and noticed the Motion for a			
9	hearing on May 20, 2015;			
10	WHEREAS, counsel has since learned that the Court is unavailable for a hearing on May			
11	20, 2015;			
12	WHEREAS, the Parties have met and conferred to establish a mutually agreeable hearing			
13	date and modified briefing schedule for Defendant's Motion to Dismiss;			
14	NOW, THEREFORE, the Parties hereby stipulate and jointly move the Court for the			
15	following hearing date and briefing schedule:			
16	1. Plaintiff shall file and serve its opposition papers by April 24, 2015; and			
17	2. Defendant shall file and serve its reply papers, if any, by May 8, 2015.			
18	3. The hearing shall be continued to May 27, 2015.			
19		VINSON & ELKINS LLP		
20	Dated: April 9, 2015			
21		Dry /o/		
22		By: /s/ MORTIMER H. HARTWELL Attorneys for Defendant, AliphCom dba		
23		Jawbone		
24	Dated: April 9, 2015	BURSOR & FISHER, P.A.		
25		Dyr. /g/		
26		By: /s/ JULIA A. LUSTER Attorneys for Plaintiff, Robert Frenzel		
27		Automeys for Framum, Robert Pfelizer		

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1 **DECLARATION OF COLIN MCDONELL** 2 I, Colin McDonell, hereby declare as follows: 3 1. I am an associate with the law firm of Vinson & Elkins LLP, attorneys of record 4 for defendant Aliphcom dba Jawbone ("Jawbone") in this action. 5 2. I am licensed to practice law before the courts of the State of California and before 6 this Court. 7 3. I make this declaration in support of the Parties' Stipulation Continuing Hearing 8 on Defendant's Motion to Dismiss the FAC and Modifying Briefing Schedule. 9 4. I have personal knowledge of the matters set forth herein and, if called as a witness 10 to testify as to such matters, I could and would testify competently thereto. 11 5. The Parties previously stipulated to Defendant filing its Motion to Dismiss the 12 First Amended Complaint ("FAC") by March 16, 2015, Plaintiff serving its opposition papers by 13 April 17, 2015, and Defendant filing its reply papers, if any, by May 1, 2015. The Court ordered 14 this briefing schedule pursuant to the stipulation of the Parties. Defendant then filed its Motion to 15 Dismiss the FAC and noticed the Motion for a hearing on May 20, 2015. 16 6. I since learned, through the Court's website and by speaking with the courtroom 17 deputy, that the Court is not available to hear the Motion on May 20 and that the hearing must be 18 continued. 7. 19 The Parties conferred and agreed that continuing the hearing to May 27 would be 20 mutually convenient, as would continuing the deadline for opposition papers to April 24 and the 21 deadline for any reply papers to May 8. 22 I declare under penalty of perjury under the laws of the United States that the foregoing is 23 true and correct. 24 Executed on this 9th day of April, 2015, in San Francisco, California.

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COLIN MCDONELL

FILER'S ATTESTATION

I, Mortimer H. Hartwell, am the ECF user whose identification and password are being used to file this Stipulation and [Proposed] Order Continuing Hearing on Defendant AliphCom dba Jawbone's Motion to Dismiss FAC. Pursuant to L.R. 5-1(i)(3), I hereby attest that concurrence in the electronic filing of this document has been obtained from each of the other signatories.

VINSON & ELKINS LLP

By: /s/ MORTIMER H. HARTWELL

ORDER

Pursuant to the Stipulation between the Parties, it is hereby ORDERED that the hearing on AliphCom dba Jawbone's Motion to Dismiss the First Amended Complaint shall be continued to May 27, 2015; that the opposition to the motion shall be filed no later than April 24, 2015; and the reply, if any, shall be filed no later than May 8, 2015.

IT IS SO ORDERED.

Dated: April 13, 2015

