

1 VINSON & ELKINS LLP
 2 Mortimer H. Hartwell, Bar No. 154556
 3 mhartwell@velaw.com
 4 Colin P. McDonell, Bar No. 289099
 5 cmcdonell@velaw.com
 6 525 Market Street, Suite 2750
 7 San Francisco, CA 94105-2763
 8 Tel: +1.415.979.6900
 9 Fax: +1.415.651.8786

10 Attorneys for Defendant
 11 AliphCom dba Jawbone

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA

14 ROBERT FRENZEL, individually and on
 15 behalf of all others similarly situated,

16 Plaintiff,

17 vs.

18 ALIPHCOM d/b/a JAWBONE,

19 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**

Judge: Hon. William H. Orrick
 Dept.: Courtroom 2, 17th Floor

20 Pursuant to Civil Local Rule 6-2, plaintiff Robert Frenzel (“Plaintiff”) and defendant
 21 AliphCom dba Jawbone (“Defendant,” and jointly with Plaintiff, the “Parties”), through their
 22 respective counsel of record herein, hereby agree and stipulate to the following:
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STIPULATION

WHEREAS, the Parties previously stipulated to Defendant filing its Motion to Dismiss the First Amended Complaint (“FAC”) by March 16, 2015, Plaintiff serving its opposition papers by April 17, 2015, and Defendant filing its reply papers, if any, by May 1, 2015;

WHEREAS, pursuant to the stipulation between the Parties, the Court ordered that Defendant file its Motion to Dismiss the FAC by March 16, 2015, Plaintiff serve its opposition papers by April 17, 2015, and Defendant file its reply papers, if any, by May 1, 2015;

WHEREAS, Defendant filed its Motion to Dismiss the FAC and noticed the Motion for a hearing on May 20, 2015;

WHEREAS, counsel has since learned that the Court is unavailable for a hearing on May 20, 2015;

WHEREAS, the Parties have met and conferred to establish a mutually agreeable hearing date and modified briefing schedule for Defendant’s Motion to Dismiss;

NOW, THEREFORE, the Parties hereby stipulate and jointly move the Court for the following hearing date and briefing schedule:

1. Plaintiff shall file and serve its opposition papers by April 24, 2015; and
2. Defendant shall file and serve its reply papers, if any, by May 8, 2015.
3. The hearing shall be continued to May 27, 2015.

Dated: April 9, 2015

VINSON & ELKINS LLP

By: /s/
MORTIMER H. HARTWELL
Attorneys for Defendant, AliphCom dba
Jawbone

Dated: April 9, 2015

BURSOR & FISHER, P.A.

By: /s/
JULIA A. LUSTER
Attorneys for Plaintiff, Robert Frenzel

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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

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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

Hon. William H. Orrick

