

1 Counsel Listed on Signature Page

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

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FEDERAL TRADE COMMISSION,

Case No. 3:15-cv-01129 HSG

12

Plaintiff,

Assigned to the Hon. Haywood S. Gilliam, Jr.

13

v.

Referral to the Hon. Maria-Elena James

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DIRECTV, a corporation,

**JOINT STIPULATION AND ~~PROPOSED~~
ORDER CONTINUING HEARING DATE
ON MOTION FOR PARTIAL SUMMARY
JUDGMENT**

15

and

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DIRECTV, LLC, a limited liability
company,

Complaint Filed: March 11, 2015
Trial Date: December 5, 2016

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Defendants.

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1 Pursuant to Local Rule 6-2 and 7-12, Defendants DIRECTV and DIRECTV, LLC
2 (collectively “DIRECTV”) and Plaintiff Federal Trade Commission (“FTC”), hereby stipulate and
3 agree as follows:

4 1. DIRECTV’s Motion for Partial Summary Judgment (Dkt. 53, the “Motion”) is fully
5 briefed and scheduled for hearing on February 25, 2016.

6 2. Due to DIRECTV’s lead trial counsel’s unavailability on February 25, 2016, and with
7 agreement from the FTC, the parties respectfully request that the hearing be continued until March 4,
8 2016.

9 3. Chad Hummel, lead trial counsel for DIRECTV, will be in trial on February 25, 2016,
10 in the matter captioned as *Mount Olympus Mortgage Co. v. Benjamin Anderson, et al.*, Case No. 30-
11 2014-00729438-CU-BT-CJC in the Superior Court of the State of California, for the County of
12 Orange (Hon. Craig Griffin presiding).

13 4. At the time the hearing on the Motion was set, Judge Griffin had a different trial
14 schedule that would have allowed Mr. Hummel to argue the motion on February 25, 2015.

15 5. DIRECTV has asked the FTC if it is available for a hearing on March 4, 2016 and
16 whether it would agree to request a continuance to that date. Eric Edmondson, lead trial counsel for
17 the FTC, stated that he is available on March 4, 2016 and that the FTC agrees to make the request.

18 6. Accordingly, the parties hereby agree and stipulate and respectfully request that this
19 Court continue the hearing date on the Motion for Partial Summary Judgment to Friday, March 4,
20 2016, at 2:00 p.m., or as soon thereafter as the matter may be heard before the Court.

21 7. The parties recognize that Your Honor does not normally conduct hearings on Fridays
22 and that they are requesting an exception to Your Honor’s normal procedures.

23 8. This will be the third time the hearing on the Motion for Partial Summary Judgment
24 has been continued. The Court previously continued the hearing on October 21, 2015, when it
25 granted the FTC’s Motion for Extension of Time to File Response/Reply to the Motion for Partial
26 Summary Judgment. [Dkt. No. 64]. The hearing was continued again on December 9, 2015, after
27 the Court granted the parties’ stipulation to continue the hearing to allow time for additional
28 discovery. [Dkt. No. 87].

1 Dated: February 3, 2016

2 SIDLEY AUSTIN LLP

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4 By: /s/ Chad S. Hummel
5 Chad S. Hummel
6 Attorneys for Defendants
DIRECTV and DIRECTV, LLC

7 Dated: February 3, 2016

8 FEDERAL TRADE COMMISSION

9 By: /s/ Eric D. Edmondson
10 Eric D. Edmondson
11 Attorneys for Plaintiff

12 Filer's Attestation: Pursuant to Local Rule 5-1(i)(3), regarding signatures, the filer hereby
13 attests that concurrence in the filing of this document has been obtained from all signatories.

14 ~~PROPOSED~~ ORDER

15 PURSUANT TO STIPULATION, IT IS ORDERED THAT:

- 16 a. The hearing on the Motion for Partial Summary Judgment is continued to March 4,
17 2016, at 10:00 a.m.

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19 Dated: February 4, 2016

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21 Honorable Haywood S. Gilliam, Jr.