

JAURIGUE LAW GROUP

Michael J. Jaurigue (SBN 208123)

Abigail A. Zelenski (SBN 228610)

David Zelenski (SBN 231768)

114 North Brand Boulevard, Suite 200

Glendale, California 91203

michael@jlglawyers.com

abigail@jlglawyers.com

david@jlglawyers.com

Telephone: (818) 630-7280

Facsimile: (888) 879-1697

GLANCY PRONGAY & MURRAY LLP

Lionel Z. Glancy (SBN 134180)

Marc L. Godino (SBN 182689)

Mark S. Greenstone (SBN 199606)

1925 Century Park East, Suite 2100

Los Angeles, California 90067

Telephone: (310) 201-9150

Facsimile: (310) 201-9160

E-mail: mgreenstone@glancylaw.com

Attorneys for Plaintiff Sunil Daniel

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

SUNIL DANIEL, individually, and on behalf of
all others similarly situated,

Plaintiff,

v.

FIVE STARS LOYALTY, INC., a Delaware
corporation; and DOES 1 through 50, inclusive,

Defendants.

Case No. 15-CV-03546-WHO

**STIPULATION AND ORDER TO
CONTINUE THE OPPOSITION AND
REPLY DEADLINES FOR DEFENDANT'S
MOTION TO DISMISS AND STAY**

Assigned to Hon. William H. Orrick

Hearing Date: November 18, 2015

Hearing Time: 2:00 p.m.

Hearing Location: Courtroom 2

1 Pursuant to rules 6-1, 6-2, 7-7, and 7-12 of the Northern District of California's Local Rules,
2 Plaintiff Sunil Daniel and Defendant Five Stars Loyalty, Inc. stipulate to continue the opposition and
3 reply deadlines for Five Stars' Motion to Dismiss and Stay. The Stipulation is based on the following
4 facts:

5 1. Defendant's Motion to Dismiss and Stay was filed on October 2, 2015. (See generally
6 Five Stars' Notice of Mot. & Mot. to Dismiss First Am. Compl., & in the Alternative, to Stay the Case
7 ("Def.'s Mot.") [ECF 28].) The Motion selected a hearing date of November 18, 2015 (see Def.'s Mot.
8 [ECF 28] at 1:24), which provides approximately two weeks more notice than is required under the
9 Northern District's Local Rules, see N.D. Cal. Civ. R. 7-2.

10 2. Under rule 7-3 of the Local Rules, Plaintiff's opposition papers to the Motion are due on
11 October 16, 2015, and Defendant's reply papers are due on October 23, 2015. See N.D. Cal. Civ. R. 7-
12 3(a).

13 3. On account of preexisting commitments, those of Plaintiff's counsel who are principally
14 tasked with handling law-and-motion matters—David Zelenski, Abigail Zelenski, and Mark
15 Greenstone—have insufficient time to duly oppose Defendant's Motion. Mr. Greenstone's wife recently
16 gave birth to their first child, and Mr. Zelenski and Ms. Zelenski are scheduled to be out of the office
17 from October 10 through October 16, 2015, for a preplanned vacation.

18 4. In light of the commitments set forth in paragraph 3, Plaintiff and Defendant agree that
19 the opposition deadline should be continued to October 23, 2015, and that the reply deadline should be
20 continued to November 4, 2015. The hearing date will remain as set, for November 18, 2015.

21 5. The requested continuance will not affect any other matters currently scheduled by the
22 Court. Adopting the above schedule for the opposition and reply papers still provides the Court with
23 fourteen days from the close of all briefing to review all papers prior to the hearing—the amount of time
24 contemplated by the Local Rules. See N.D. Cal. Civ. R. 7-3(c). In addition, the Initial Case
25 Management Conference has not yet taken place, and no scheduling order has yet been entered.

26 6. The only other continuance requested by the parties was a Stipulation extending the time
27 for Defendant to respond to Plaintiff's initial Complaint. (See generally Joint Stipulation to Extend
28 Time to Respond to Compl. [ECF 11].) The Court granted that Stipulation on August 7, 2015. (Joint

1 Stipulation to Extend Time to Respond to Compl. [ECF 11] at 3:7–18.)

2 Based on the foregoing, Plaintiff and Defendant **HEREBY STIPULATE** as follows:

3 1. Plaintiff's opposition papers to the Motion to Dismiss and Stay must be filed and served
4 by October 23, 2015.

5 2. Defendant's reply papers for the Motion to Dismiss and Stay must be filed and served by
6 November 4, 2015.

7 **IT IS SO STIPULATED.**

8
9 Dated: October 8, 2015

JAURIGUE LAW GROUP
GLANCY PRONGAY & MURRAY LLP

10
11 /s/ David Zelenski¹

12 Lionel Z. Glancy
13 Marc. L. Godino
14 Mark S. Greenstone
15 Michael J. Jaurigue
16 Abigail A. Zelenski
17 David Zelenski
18 *Attorneys for Plaintiff Sunil Daniel*

19
20 Dated: October 9, 2015

KELLEY DRYE & WARREN LLP

21
22 /s/ Lauri Mazzuchetti

23 Lauri A. Mazzuchetti
24 Lee S. Brenner
25 Edward J. Mullins III
26 Catherine D. Lee
27 *Attorneys for Defendant Five Stars Loyalty, Inc.*

28 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: October 9, 2015


Hon. William H. Orrick
U.S. District Court Judge

¹ Pursuant to rule 5-1(i)(3) of the Northern District's Local Rules, I hereby attest that all of the signatories listed below, and on whose behalf the within filing is submitted, concur in the filing's content and have authorized its filing.