

LEWIS BRISBOIS BISGAARD & SMITH LLP

PAMELA M. FERGUSON, SB# 202587

Email: Pamela.Ferguson@lewisbrisbois.com

MARK F. RAM, SB# 294050

Email: Mark.Ram@lewisbrisbois.com

333 Bush Street, Suite 1100

San Francisco, California 94104-2872

Telephone: 415.362.2580

Facsimile: 415.434.0882

Attorneys for Defendant

ALLIANCE ONE RECEIVABLES MANAGEMENT INC., ERRONEOUSLY SUED HEREIN AS ALLIANCE ONE

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

KATHLEEN MARCHETTI, an individual,

Plaintiff,

vs.

STATE OF CALIFORNIA, by and through the Department of Motor Vehicles, a public entity, SUPERIOR COURT OF CALIFORNIA, a public entity, CLERK OF THE SUPERIOR COURT OF CALIFORNIA, a public entity, THE CALIFORNIA JUDICIAL COUNCIL, a public entity, TIM LNU, Clerk of the Superior Court, JEANNETTE LNU, Clerk of the Superior Court, ALLIANCE ONE,

Defendant.

CASE NO. 3:15-CV-05523-WHO

STIPULATION AND ORDER TO CONTINUE THE HEARING ON MOTIONS TO DISMISS AND CASE MANAGEMENT CONFERENCE FROM MAY 4, 2016, TO MAY 11, 2016

Plaintiff KATHLEEN MARCHETTI (“Plaintiff”) and Defendants STATE OF CALIFORNIA, DEPARTMENT OF MOTOR VEHICLES (“DMV”), SUPERIOR COURT OF CALIFORNIA, a public entity, CLERK OF THE SUPERIOR COURT OF CALIFORNIA, a public entity, THE CALIFORNIA JUDICIAL COUNCIL, a public entity, TIM LNU, Clerk of the Superior Court, JEANNETTE LNU, Clerk of the Superior Court, THE CALIFORNIA JUDICIAL COUNCIL (collectively, “Judicial Defendants”) and ALLIANCEONE RECEIVABLES

1 MANAGEMENT, INC., erroneously sued herein as ALLIANCE ONE (“AllianceOne”)
2 (collectively, “Defendants”) (Plaintiff and Defendants are hereinafter referred to collectively as
3 “the Parties”), together by and through their respective attorneys of record, hereby stipulate as
4 follows:

5 WHEREAS on February 26, 2016, DMV filed a motion to dismiss Plaintiff’s Complaint,
6 pursuant to FRCP 12(b)(1) and 12(b)(6), originally scheduled for hearing on April 6, 2016 (Dkt.
7 No. 25);

8 WHEREAS on March 7, 2016, Judicial Defendants filed a motion to dismiss Plaintiff’s
9 Complaint, pursuant to FRCP 12(b)(1) and (b)(6), originally scheduled for hearing on April 13,
10 2016 (Dkt. No. 28);

11 WHEREAS on March 7, 2016, Judicial Defendants filed a Joinder in DMV’s motion to
12 dismiss Plaintiff’s Complaint, pursuant to FRCP 12 (b)(1) and (b)(6), originally scheduled for
13 hearing on April 6, 2016 (Dkt. No. 29);

14 WHEREAS on March 9, 2016, this Honorable Court issued a Clerk’s Notice rescheduling
15 DMV’s hearing on its motion to dismiss from April 6, 2016, to April 13, 2016 (Dkt. No. 30);

16 WHEREAS on March 18, 2016, AllianceOne filed a motion to dismiss Plaintiff’s
17 Complaint, pursuant to FRCP 12(b)(1) and (b)(6), originally scheduled for hearing on May 4,
18 2016 (Dkt. No. 34);

19 WHEREAS on April 4, 2016, this Honorable Court issued a Clerk’s Notice rescheduling
20 the hearing on DMV’s and Judicial Defendants’ motion to dismiss and Case Management
21 Conference from April 13, 2016, to May 4, 2016 (Dkt. No. 42);

22 WHEREAS lead counsel for AllianceOne has a conflict on May 4, 2016, due to another
23 Court (California Superior Court, County of Alameda) advancing a hearing time from May 4,
24 2016, at 9:00 a.m., to May 4, 2016, at 3:00 p.m.

25 ///

26 ///

27 ///

28

1 ///
2 ///
3 ///
4 ///

5 **THEREFORE IT IS STIPULATED** by and between the Parties that the hearings on the
6 motions to dismiss and Case Management Conference be rescheduled from May 4, 2016, at 2:00
7 p.m., to May 11, 2016, at 2:00 p.m., or such date thereafter per the Court's availability.

8 **IT IS SO STIPULATED.**

9 DATED: April 29, 2016

LEWIS BRISBOIS BISGAARD & SMITH LLP

9

10 By: /s/ Pamela M. Ferguson
Pamela M. Ferguson
11 Mark F. Ram
Attorneys for Defendant
12 ALLIANCE ONE RECEIVABLES MANAGEMENT
INC., ERRONEOUSLY SUED HEREIN AS ALLIANCE
13 ONE

10

11

12

13

14 DATED: April 29, 2016

MURRAY & ASSOCIATES

15

16 By: /s/ Lawrence Dale Murray
Lawrence Dale Murray, Esq.
17 Attorneys for Plaintiff
Kathleen Marchetti

16

17

18

19

DATED: April 29, 2016

OFFICE OF THE ATTORNEY GENERAL

20

21 By: /s/ Raymond W. Hamilton
Raymond W. Hamilton, Esq.
Attorneys for Defendant
22 State of California Department of Motor Vehicles

21

22

23

DATED: April 29, 2016

SEDGWICK LLP

24

25 By: /s/ Sean Patterson
Michael L. Fox, Esq.
Sean Patterson, Esq.
Attorneys for Defendant
26 The California Judicial Council, *et al.*

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

ORDER

Based on the foregoing stipulation of the Parties **THE COURT HEREBY ORDERS AND DECREES** that the hearing on the Defendants' Motions to Dismiss Plaintiff's Complaint, and the Case Management Conference currently scheduled for May 4, 2016, shall be rescheduled to May 11, 2016, at 2:00 p.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: April 29, 2016



UNITED STATES DISTRICT COURT
JUDGE