COMES NOW THE PARTIES TO THE ABOVE-REFERENCED ACTION AND RECITE AND STIPULATE AS FOLLOWS:

WHEREAS, on June 5, 2017, the Parties attended private mediation in this matter with the Honorable Judge Peter D. Lichtman (Ret.) at JAMS;

WHEREAS, the Parties executed a Memorandum of Understanding at mediation to resolve this matter based on an agreed upon estimated class size to be confirmed, with room for error of up to 15%;

WHEREAS, the Parties are still working to finalize the resolution of this matter to conclude their settlement; particularly involving the process to address whether the actual class size is within the estimated class size range agreed to by the Parties;

WHEREAS, Plaintiff maintains that an individual Plaintiff seeks to designate as an expert has calculated the size of the class based upon extensive call records provided by Defendant and asserts it is approximately 35% larger than the high end of the allowed class size.

WHEREAS, Defendant contends that it had obtained prior express written consent to call approximately 25% the unique cellular telephone numbers set forth in the call records provided and contends that the class size is within the agreed upon estimate class size range.

WHEREAS, the individual Plaintiff seeks to designate as an expert is addressing the validity of the consents set forth in Defendant's records evidencing the prior express written consent that was provided.

WHEREAS, Defense counsel has requested additional information from Plaintiff and is in the process of considering retaining an expert in order to make a more accurate determination of the class size and the validity of the evidence of consents.

WHEREAS, the Parties have been diligently working to resolve these technical issues and disputes regarding the class size, and the attorneys for the Parties have been communicating with each other to address the remaining issues to resolve this matter;

WHEREAS, despite their best efforts, the Parties require additional time in order to confirm the putative class size to complete the process of resolving this matter;

1	WHEREAS, based upon the stipulation of the Parties dated August 10, 2017, the Court		
2	rescheduled on August 11, 2017 the Case Management Conference for October 11, 2017.		
3	WHEREAS, unfortunately, during the intervening months there have been a number of		
4	hurricanes in the Florida area causing disruptions in work for Defense counsel.		
5	WHEREAS, additional time is needed for the Parties to determine the class size.		
6	WHEREAS, the Parties would be happy to appear at the October 11, 2017 case		
7	management conference and discuss these issues with the Court or in the alternative, the Parties		
8	request that the Case Management Conference be continued for another 45 days.		
9	WHEREAS, the Parties further understand if a discrepancy regarding class statistical		
10	information remains, the Parties will present the focused issue to the Court.		
11	NOW THEREFORE THE PARTIES STIPULATE AND AGREE AS FOLLOWS		
12	1.	The Court shall vacate the cu	rrent deadlines for Plaintiff to file a Motion for
13		Preliminary Approval;	
14	2.	The October 11, 2017 case m	nanagement conference is continued to December 6,
15		2017 at 2:00 p.m.	
16	3.	An updated joint case manage	ement statement is due by November 27, 2017.
17	4.	The case management confer	rence will be vacated if a motion for preliminary
18		approval of settlement is filed	d by November 27, 2017. The parties should
19		anticipate that if the December	er 6, 2017 case management conference goes
20		forward, the Court will set ne	ew deadlines for the filing of a motion for class
21		certification that will not be s	subject to further continuance.
22	5.	The case continues to be stay	red for all other purposes.
23	Dated: Octob	per 4, 2017	KEMNITZER, BARRON & KRIEG, LLP
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25		By:	/s/ Bryan Kemnitzer
26			BRYAN KEMNITZER Attorneys for Plaintiff Winifred Cabiness and the
27			putative class
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1	Dated: October 4, 2017 GREENSPOON MARDER
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3	By: <u>/s/Beth-Ann Krimsky</u> Beth-Ann Krimsky
4 5	Attorneys for Defendants EDUCATIONAL FINANCIAL SOLUTIONS, LLC DBA CAMPUS DEPT SOLUTIONS, DEPT COM LLC DETA
6	DEBT SOLUTIONS, DEBT.COM, LLC, BETA INVESTMENT GROUP, INC., EQUITY ACQUISITIONS, LLC, VENTURETECH
7	SOLUTIONS, LLC AND HOWARD DVORKIN
8	
9	PURSUANT TO STIPULATION, IT IS SO ORDERED.
10	Q. s. Trian
11	DATED: October 5, 2017HONORABLE JON S. TYGAR
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	- 3 - Case No. 3:16-cv-1109-JST STIPLI ATION AND ORDER CONTINUING OCTORER 5, 2017 CASE MANAGEMENT CONFERENCE