

1 Jaurigue Law Group
 Michael J. Jaurigue (SBN 208123)
 michael@jlglawyers.com
 2 Abigail A. Zelenski (SBN 228610)
 abigail@jlglawyers.com
 3 David Zelenski (SBN 231768)
 david@jlglawyers.com
 4 300 West Glenoaks Boulevard, Suite 300
 Glendale, California 91202
 5 Telephone: (818) 630-7280
 Facsimile: (888) 879-1697
 6

7 Glancy Prongay & Murray LLP
 Lionel Z. Glancy (SBN 134180)
 Mark S. Greenstone (SBN 199606)
 8 1925 Century Park East, Suite 2100
 Los Angeles, California 90067
 9 Telephone: (310) 201-9150
 Facsimile: (310) 201-9160
 10 E-Mail: info@glancylaw.com

11 Attorneys for Plaintiff Deric Walintukan

12
 13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15

16
 17 DERIC WALINTUKAN, as an individual and on
 behalf of all others similarly situated,

18 Plaintiff,

19 v.

20 SBE ENTERTAINMENT GROUP, LLC, a
 California limited liability company; 6021
 21 HOLLYWOOD INVESTOR, LLC, a California
 limited liability company; 6021 HOLLYWOOD
 22 OPERATING COMPANY, LLC, a California
 limited liability company; and SPOONFUL
 23 MANAGEMENT LLC, a California limited
 liability company,
 24

25 Defendants.

Case No. 3:16-CV-01311-JST

26
 27 **STIPULATION AND ~~PROPOSED~~**
CONTINUING SUMMARY-
JUDGMENT/ADJUDICATION BRIEFING
AND HEARING SCHEDULE
 28

Assigned to Hon. Jon S. Tigar

1 Plaintiff Deric Walintukan, on the one hand, and Defendants SBE Entertainment Group, LLC;
2 6021 Hollywood Investor, LLC; 6021 Hollywood Operating Company, LLC; and Spoonful
3 Management LLC, on the other hand, submit this Stipulation seeking to continue the briefing and
4 hearing schedule for their contemplated summary-judgment motion practice in the above-captioned
5 action. Good cause exists for the Court to grant this Stipulation, for the reasons set forth herein.

6 1. In this action, Plaintiff alleges a class-wide claim for relief against Defendants under the
7 Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. (See generally Feb. 16, 2017, First
8 Am. Compl. [ECF 53].)

9 2. On April 5, 2017, the Court entered an Order setting the following schedule:

- 10 • September 29, 2017: Opening summary-judgment/adjudication moving papers
11 due.
- 12 • October 31, 2017: Opposition summary-judgment/adjudication moving papers
13 due.
- 14 • November 20, 2017: Reply summary-judgment/adjudication moving papers due.
- 15 • December 7, 2017, at 2:00 p.m.: Summary-judgment/adjudication hearing.

16 (Apr. 5, 2017, Stipulation and Order Setting Summ.-J./Adjudication Briefing and Hearing Schedule
17 [ECF 63] at 3:2–6, 3:22.) The motion practice will be directed to the specific issue of consent under the
18 TCPA.

19 3. Since the date of the Court’s Order setting the briefing and hearing schedule, Plaintiff and
20 Defendants have taken a total of four depositions focused, in part, on the consent issue: a rule 30(b)(6)
21 deposition of SBE Entertainment Group, LLC; the deposition of Plaintiff; and depositions of two third
22 parties. Defendants has since voluntarily disclosed two additional individuals on whom they intend to
23 rely in their summary-judgment/adjudication briefing, both of whom are located out of state, in Miami,
24 Florida.

25 4. Plaintiff stated he needs to depose the two additional witnesses voluntarily disclosed
26 before completing summary-judgment/adjudication briefing. Defendants do not oppose the depositions.
27 Thus, Plaintiff and Defendants presently hope to schedule the depositions of the two Miami deponents
28 for dates in October 2017, although hurricane recovery efforts might warrant some scheduling

1 adjustments.

2 5. Other than the summary-judgment/adjudication deadlines set forth above, the only other
3 deadline currently set by the Court is a July 2018 mediation cut-off date. (See July 17, 2017, Stipulation
4 and Order to Extend Time to Hold ADR Session [ECF 66] at 3:1–15.) In other words, trial in this action
5 has not yet been set, and there is no class-certification deadline currently in place.

6 6. For the reasons herein, the Parties submit that good cause exists to grant the relief sought
7 herein, and that they are not seeking the relief to unduly delay the litigation or for any other improper
8 purpose.

9 /////

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 Based on the foregoing, as well as in light of the intervening holidays, **IT IS HEREBY**
2 **STIPULATED** that the foregoing summary-judgment/adjudication briefing and hearing schedule be
3 reset, as follows:

- 4 1. November 8, 2017: Opening moving papers due.
- 5 2. December 22, 2017: Opposition papers due.
- 6 3. January 26, 2018: Reply papers due.
- 7 4. February 15, 2018: Hearing (at 2:00 p.m.), or such other date set by the Court.

8
9 Dated: September 19, 2017

GLANCY PRONGAY & MURRAY
JAURIGUE LAW GROUP

/s/ David Zelenski ¹

Lionel Z. Glancy
Mark S. Greenstone
Michael J. Jaurigue
Abigail A. Zelenski
David Zelenski
Attorneys for Plaintiff

10
11
12
13
14
15 Dated: September 19, 2017

VENABLE LLP

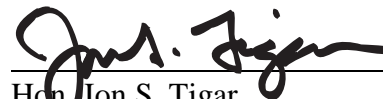
/s/ Ari Rothman

Ari A. Rothman
Witt W. Chang
Attorneys for Defendants

16
17
18
19 * * *

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

21
22 Dated: September 21, 2017



Hon. Jon S. Tigar
U.S. District Court Judge

23
24
25
26
27
28 _____
¹ Pursuant to rule 5-1 of the Northern District of California's Local Rules, I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories below.