

1 STEPHEN P. BERZON (SBN 46540)
 2 EILEEN B. GOLDSMITH (SBN 218029)
 3 PEDER J. V. THOREEN (SBN 217081)
 4 MEREDITH A. JOHNSON (SBN 291018)
 5 Altshuler Berzon LLP
 6 177 Post Street, Suite 300
 7 San Francisco, California 94108
 Telephone: (415) 421-7151
 Facsimile: (415) 362-8064
 E-mail: sberzon@altber.com
 egoldsmith@altber.com
 pthoreen@altber.com
 mjohnson@altber.com

8 ROBERT J. BEZEMEK (SBN 058740)
 9 DAVID CONWAY (SBN 253903)
 10 Law Offices of Robert J. Bezemek
 11 A Professional Corporation
 12 The Latham Square Building
 13 1611 Telegraph Avenue, Suite 936
 Oakland, California 94612
 Telephone: (510) 763-5690
 Facsimile: (510) 763-4255
 E-mail: rjbezemek@bezemeklaw.com
 dconway@bezemeklaw.com

14 Attorneys for Plaintiffs

15 IN THE UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

18 AFT LOCAL 2121, *et al.*,
 19 Plaintiffs,
 20 vs.
 21 ACCREDITING COMMISSION FOR
 22 COMMUNITY AND JUNIOR COLLEGES,
et al.,
 23 Defendants.

CASE NO. 3:16-cv-03411-HSG
**SECOND STIPULATION AND ORDER
 REGARDING BRIEFING SCHEDULE**

24
 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

SECOND STIPULATION REGARDING BRIEFING SCHEDULE

WHEREAS Plaintiffs filed their First Amended Complaint in San Francisco Superior Court on May 26, 2016, and Defendant Accrediting Commission for Community and Junior Colleges removed the action to this Court on June 17, 2016;

WHEREAS Altshuler Berzon LLP was first brought into this case as co-counsel for Plaintiffs on June 22, 2016, and its attorneys are still in the process of becoming familiar with the case;

WHEREAS Defendant filed a Motion to Dismiss in this action on June 24, 2016;

WHEREAS the parties previously requested an adjustment of the briefing and hearing schedule on Defendant’s Motion to Dismiss, in part to enable the parties to meet and confer regarding Plaintiffs’ intention to file a Second Amended Complaint;

WHEREAS the Plaintiffs have requested additional time to prepare their intended proposed Second Amended Complaint and the Defendant has agreed to extend the requested additional time in order to receive and review the proposed Second Amended Complaint and to meet and confer regarding whether the parties can agree to stipulate to it being filed;

WHEREAS if the parties stipulate to the filing of the Second Amended Complaint, they will avoid devoting further time and resources to litigating the Defendant’s pending Motion to Dismiss the First Amended Complaint;

WHEREAS the proposed briefing and hearing schedule set forth below is also necessary to accommodate Defendant’s counsel’s trial schedule in another matter;

THE PARTIES HEREBY STIPULATE AND AGREE AS FOLLOWS:

- 1. Plaintiffs’ Opposition to the Motion to Dismiss shall be due on August 11, 2016.
- 2. Defendant’s Reply shall be due on August 18, 2016.
- 3. Subject to Court approval, the hearing on Defendant’s Motion to Dismiss shall be held on August 25, 2016 at 2:00 p.m., or as soon thereafter as is available on the Court’s calendar.
- 4. Plaintiffs shall provide the proposed Second Amended Complaint to Defendant no later than August 11, 2016, in order to determine whether the parties can stipulate to the filing of the Second Amended Complaint. If the parties stipulate to the filing of the Second Amended

1 Complaint, and Plaintiffs thereafter file the Second Amended Complaint pursuant to the
2 stipulation, Defendant will promptly thereafter withdraw its Motion to Dismiss without prejudice
3 to re-filing any motion to dismiss the Second Amended Complaint, in order to avoid duplication of
4 effort by the parties and the Court.

5
6 Dated: July 18, 2016

STEPHEN P. BERZON
EILEEN B. GOLDSMITH
PEDER J. V. THOREEN
MEREDITH A. JOHNSON
Altshuler Berzon LLP

9 ROBERT J. BEZEMEK
10 DAVID CONWAY
Law Offices of Robert J. Bezemek

11
12 By: s/ Peder J. V. Thoreen
Peder J. V. Thoreen

13 *Attorneys for Plaintiffs*

14 Dated: July 18, 2016

KENNETH E. KELLER
THOMAS H. SLOAN, JR.
JENNIFER R. McGLONE
ETHAN I. JACOBS
Keller, Sloan, Roman & Holland LLP

17 LAURENCE W. KESSENICK
18 SCOTT C. KESSENICK
Kessenick, Gamma & Free LLP

19
20 By: s/ Kenneth E. Keller
Kenneth E. Keller

21
22 **ORDER**

23 Pursuant to Stipulation, IT IS SO ORDERED. The hearing on Defendant's Motion to
24 Dismiss is set for September 8, 2016 at 2:00 p.m.

25
26 Dated: July 19, 2016


United States District Judge