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

16 EXETER FINANCE CORP.,
17 Plaintiff,
18 v.
19 AUTOCOM ENERGY, LLC d/b/a
20 Autocom Nissan of Concord,
21 Defendant.

Case No. 3:16-cv-04197-WHO

**JOINT REQUEST FOR REFERRAL TO
LOCAL RULE 7 MEDIATION AND
SECOND STIPULATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND RELATED DEADLINES, AND
ORDER**

[Civil L.R. 7-12;16-2(d)]

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Case No. 3:16-cv-04197-WHO
JOINT REQUEST FOR REFERRAL TO LOCAL RULE 7
MEDIATION AND SECOND STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE AND RELATED DEADLINES,
AND ORDER

1 Pursuant to Local Rules 7-12 and 16-2(d) and Judge Orrick’s Standing Case Management
2 Conference Order, Plaintiff Exeter Finance Corp. (“Plaintiff”) and Defendant Autocom Energy,
3 LLC d/b/a Autocom Nissan of Concord (“Defendant”) (collectively, the “Parties”) hereby
4 respectfully stipulate and jointly request that the Court continue the Case Management Conference
5 and related deadlines as follows:

6 **RECITALS**

7 1. Plaintiff’s Complaint was filed in the United States District Court, Northern District
8 of California on July 25, 2016. (Dkt. 1.) Since that time, the Parties have been engaged in ongoing
9 settlement negotiations.

10 2. The Parties participated in an alternative dispute resolution (ADR) telephone
11 conference with the Court’s ADR Program staff on October 18, 2016. (Dkt. 12.) During that
12 conference, the Parties and the Court’s ADR Program staff discussed the status of the Parties’
13 ongoing settlement discussions and agreed that, if the Parties are unable to resolve this matter
14 between themselves, they would likely benefit from a mediation conducted in accordance with the
15 Court’s Local Rule 7 mediation process. This will afford the Parties every opportunity to pursue
16 resolution of this case prior to commencing initial discovery and litigation, and in advance of the
17 Case Management Conference.

18 3. Pursuant to the Court’s recent Order (Dkt. 19), multiple initial discovery and
19 litigation deadlines are set for November 18, 2016, and the Initial Case Management Conference is
20 scheduled to take place on November 29, 2016. In addition to referring this matter to Local Rule 7
21 mediation, the Parties respectfully request that the Court extend these deadlines and reschedule the
22 Initial Case Management Conference to allow the Parties a full opportunity to pursue resolution of
23 this case prior to commencing initial discovery and litigation.

24 4. This is the Parties’ second request for an extension to the Case Management
25 Conference or related deadlines in the case. The Parties’ submitted their first request (Dkt. 18) so
26 that the Parties could explore ADR options pursuant to the Court conference conducted on
27 October 18, 2016.

1 5. Pursuant to the foregoing, the Parties jointly request that the Court refer this matter
2 to a Local Rule 7 mediation, to be conducted within 45 days of entry of the Court's order.

3 6. Furthermore, good cause exists to continue the Case Management Conference and
4 all related deadlines pending the outcome of the Parties' settlement discussions and, if necessary,
5 mediation. Therefore, the Parties hereby stipulate and agree to the following extensions, and
6 request the Court's approval of their stipulation, to the case management schedule as follows:

Event	Previous Date	Stipulated/Requested New Date
Last Day to Meet and Confer pursuant to FRCP 26(f)	11/18/2016	01/02/2017
Last Day to serve Initial Disclosures pursuant to FRCP 26(a)	11/18/2016	01/02/2017 01/03/2017
Last Day to file Joint Case Management Statement	11/25/2016	01/02/2017
Case Management Conference	11/29/2016	01/16/2017 01/17/2017

14 DATED: October 21, 2016

DENTONS US LLP

16 By: /s/ Robert J. Morrison
17 Robert J. Morrison
18 Kelly D. Fair
19 Kate E. Hart

Attorneys for Plaintiff Exeter Finance Corp.

20 DATED: October 21, 2016

ROBARDS & STEARNS

22 By: /s/ Andrew Stearns
23 Andrew V. Stearns

24 Attorneys for Defendant Autocom Energy, LLC
25 d/b/a Autocom Nissan of Concord
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CERTIFICATION

Pursuant to Local Rule 5-1(i)(3), the filing attorney attests that he has obtained concurrence regarding the filing of this document from the indicated signatories to the document.

PURSUANT TO STIPULATION, AS MODIFIED, IT IS SO ORDERED.

Dated: October 25, 2016



Honorable William H. Orrick
United States District Judge

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