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165 RANDALL HOLL,
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 167 Plaintiff,
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 169 v.
 170 UNITED PARCEL SERVICE, INC.,
 171
 172 Defendant.

Case No. 16-cv-05856-HSG

**STIPULATION AND ~~PROPOSED~~
 ORDER SETTING BRIEFING
 SCHEDULE FOR DEFENDANT'S
 MOTION TO COMPEL
 ARBITRATION**

Motion to Compel filed: December 19,
 2016

Current opposition due: January 3,
 2017

New opposition due: January 18, 2017

Current reply due: January 10, 2017

New reply due: February 1, 2017

Hearing date: February 16, 2017 at

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2:00 p.m.

1 **STIPULATION**

2 Pursuant to Civil Local Rules 6-2 and 7-12, Plaintiff Randall Holl and Defendant United
3 Parcel Service, Inc. (“UPS”), by and through their undersigned counsel, stipulate as follows:

4 WHEREAS, Plaintiff filed the Complaint in this action on October 11, 2016, and served
5 UPS with the Complaint on October 20, 2016;

6 WHEREAS, on November 4, 2016, the parties stipulated and agreed to extend UPS’s
7 deadline to respond to the Complaint until December 19, 2016;

8 WHEREAS, UPS filed a Motion to Compel Arbitration of Plaintiff Randall Holl’s claims
9 on December 19, 2016 and noticed the motion for hearing on February 16, 2017 at 2:00 p.m.;

10 WHEREAS, Plaintiff’s response to the motion to compel arbitration is currently due
11 January 3, 2017;

12 WHEREAS, the parties have met and conferred, and agree that Plaintiff’s deadline to file
13 a response to Defendant’s motion to compel arbitration may be extended until January 18, 2017,
14 with UPS’s deadline to reply extended until February 1, 2017;

15 WHEREAS, good cause exists for an extension of Plaintiff’s deadline to respond to the
16 motion to compel arbitration because the extension will provide Plaintiff sufficient time to
17 prepare its response in light of the upcoming holidays, and UPS’s request for an extension will
18 provide UPS with sufficient time to prepare its response; and

19 WHEREAS, this is the first request for an extension of Plaintiff’s deadline to respond to
20 the Motion to Compel Arbitration, UPS’s second request for an extension (UPS previously
21 requested an extension of time to file its initial response to Plaintiff’s Complaint), the extensions
22 will not alter the date of any event or any deadline already fixed by Court order, and this request
23 is not being made for purposes of delay or any other improper purpose;

24 THEREFORE, IT IS HEREBY AGREED AND STIPULATED, subject to the approval
25 of the Court, that Plaintiff’s deadline to respond to Defendant’s Motion to Compel Arbitration
26 shall be extended to January 18, 2017, and UPS shall have until February 1, 2017 to file a reply
27 brief.

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Dated: December 21, 2016

KAI H. RICHTER
NICHOLS KASTER, PLLP

By: /s/ Kai H. Richter
Kai H. Richter

Attorneys for Plaintiff
RANDALL HOLL

Dated: December 21, 2016

STACEY M. SPRENKEL
MORRISON & FOERSTER LLP

By: /s/ Stacey M. Sprenkel
Stacey M. Sprenkel

Attorneys for Defendant
UNITED PARCEL SERVICE, INC.

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ECF ATTESTATION

I, Kai H. Richter, am the ECF User whose ID and password are being used to file this STIPULATION AND [PROPOSED] ORDER SETTING BRIEFING SCHEDULE FOR DEFENDANT’S MOTION TO COMPEL ARBITRATION. In accordance with Civil Local Rule 5-1, concurrence in the filing of this document has been obtained from Stacey Sprenkel, counsel for Defendant, and I shall maintain records to support this concurrence for subsequent production for the Court if so ordered or for inspection upon request by a party.

Dated: December 21, 2016

NICHOLS KASTER, PLLP

By: /s/ Kai H. Richter
KAI H. RICHTER

Attorneys for Plaintiff
RANDALL HOLL

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 12/22/2016

By: 
HON. HAYWOOD S. GILLIAM, JR.
UNITED STATES DISTRICT COURT

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 21st day of December, 2016, the foregoing document was filed electronically on the CM/ECF system, which caused all CM/ECF participants to be served by electronic means.

/s/ Kai H. Richter

KAI H. RICHTER

Attorneys for Plaintiff
RANDALL HOLL