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13 Attorneys for Defendant
NATIONWIDE MUTUAL INSURANCE
14 COMPANY

15 UNITED STATES DISTRICT COURT
16 NORTHERN DISTRICT OF CALIFORNIA
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18 ABANTE ROOTER AND PLUMBING INC,
19 individually and on behalf of all others
similarly situated;
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21 Plaintiff,
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23 vs.
24 NATIONWIDE MUTUAL INSURANCE
COMPANY; and DOES 1 through 10,
25 inclusive.
26 Defendant.

Case No.: 3:17-CV-03328-EMC

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE CASE
MANAGEMENT CONFERENCE AND
EXTEND NATIONWIDE'S DEADLINE
TO RESPOND TO COMPLAINT**

26 Pursuant to Civil Local Rule 6-2 of the United States District Court for the Northern
27 District of California, Plaintiff Abante Rooter and Plumbing Inc. and Defendant Nationwide
28

1 Mutual Insurance Company, by and through their respective counsel, hereby stipulate and
2 agree as follows and respectfully request that the Court approve and give effect to their
3 stipulation:

4 WHEREAS, by Order dated August 16, 2017 and additional notice entered August 30,
5 2017, the Court has scheduled the initial case management conference for Thursday,
6 September 28, 2017 at 9:30 a.m.;

7 WHEREAS, Plaintiff filed its First Amended Complaint on August 28, 2017;

8 WHEREAS, by stipulation and Order, Defendant has until and including September
9 25, 2017 to answer, move, or otherwise respond to Plaintiff's First Amended Complaint;

10 WHEREAS, Defendant intends to seek a stay of this case pending the D.C. Circuit
11 Court's ruling in *ACA International v. Federal Communications Commission*, No. 15-1211;

12 WHEREAS, the parties are conferring to determine whether an agreement can be
13 reached on Defendant's anticipated motion to stay;

14 WHEREAS, if the parties are able to reach an agreement on a stay, it would likely
15 obviate the need for the parties and the Court to devote resources to a briefing and hearing a
16 motion to stay, holding a case management conference and setting a case management
17 schedule;

18 WHEREAS, a two-week continuance of the current case management conference, and
19 corresponding deadlines, will not affect any other date set by the Court and will not result in
20 prejudice to either party;

21 WHEREAS, a two-week extension of Nationwide's deadline to respond to the
22 complaint will not affect any other date set by the Court and will not result in prejudice to
23 either party;

24 IT IS HEREBY STIPULATED AND AGREED that the initial case management
25 conference currently set for September 28, 2017 should be continued to October 12, 2017 at
26 9:30 a.m., ~~1:30 p.m.~~, or the next mutually agreeable date that is available on the Court's calendar, and that
27 all corresponding deadlines should be adjusted accordingly.

1 IT IS FURTHER STIPULATED AND AGREED Nationwide shall have an extension
2 of time to and through October 9, 2017, in which to answer, move or otherwise plead in
3 response to Plaintiff's Amended Complaint.

4
5 IT IS SO STIPULATED.

6 Respectfully submitted,

7 Dated: September 18, 2017

LAW OFFICES OF TODD M. FRIEDMAN, P.C.

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10 By: /s/ Adrian Bacon

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16 Attorneys for Plaintiff
ABANTE ROOTER AND PLUMBING INC

17
18 Dated: September 18, 2017

DENTONS US LLP

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21 By: /s/ Sonia Martin

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FILER'S ATTESTATION:

Pursuant to Local Rule 5-1(i)(3) regarding signatures, I attest under penalty of perjury that the concurrence in the filing of this document has been obtained from its signatories.

Dated: September 18, 2017

By: /s/ Sonia Martin
SONIA MARTIN

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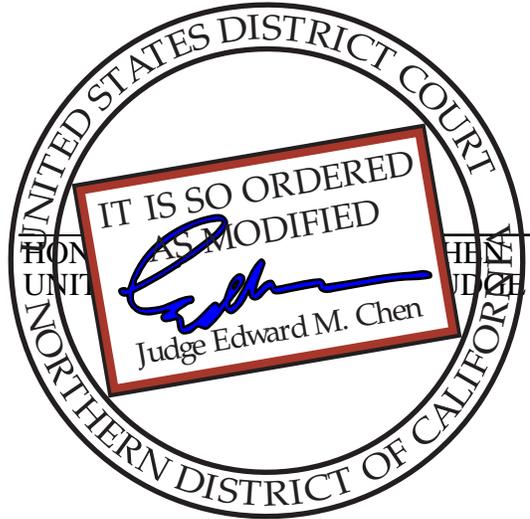
[PROPOSED] ORDER

Pursuant to the parties' stipulation, and good cause appearing therefore, IT IS
HEREBY ORDERED as follows:

The initial case management conference currently set for September 28, 2017 at 9:30
9:30 a.m.
a.m. is continued to October 12, 2017 at 1:30 p.m. The parties' joint case management
conference statement must be filed on or before October 5, 2017, one week in advance of the
conference date.

IT IS SO ORDERED.

Dated: September 18, 2017



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