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8 ABANTE ROOTER AND PLUMBING INC

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13 Attorneys for Defendant  
14 NATIONWIDE MUTUAL INSURANCE  
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,  
22  
23 vs.  
24 NATIONWIDE MUTUAL INSURANCE  
COMPANY; and DOES 1 through 10,  
25 inclusive.  
26 Defendant.

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

**AMENDED 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 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 19, 2017

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

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10 By: /s/ Adrian Bacon

TODD M. FRIEDMAN (State Bar No. 216752)  
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16 Attorneys for Plaintiff  
ABANTE ROOTER AND PLUMBING INC

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18 Dated: September 19, 2017

DENTONS US LLP

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21 By: /s/ Sonia Martin

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COMPANY

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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 19, 2017

By: /s/ Sonia Martin  
SONIA MARTIN

~~AMENDED [PROPOSED] ORDER~~

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

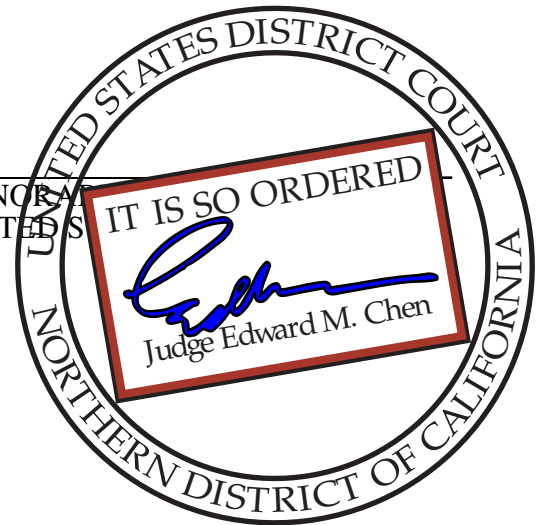
The initial case management conference currently set for September 28, 2017 at 9:30  
a.m. is continued to October 12, 2017 at 9:30 a.m. The parties' joint case management  
conference statement must be filed on or before October 5, 2017, one week in advance of the  
conference date.

In addition, the Court hereby extends Nationwide's deadline, to and through October 9,  
2017, in which to answer, move or otherwise plead in response to Plaintiff's Amended  
Complaint in the above-captioned action

IT IS SO ORDERED.

Dated: September 20, 2017

HONORARY  
UNITED STATES



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