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10 COMPANY

11 [Counsel for Other Parties Listed on Signature Page]

12 UNITED STATES DISTRICT COURT
13 NORTHERN DISTRICT OF CALIFORNIA
14 SAN FRANCISCO DIVISION

15 ABANTE ROOTER AND PLUMBING INC,
16 individually and on behalf of all others
17 similarly situated,

18 Plaintiff,

19 vs.

20 NATIONWIDE MUTUAL INSURANCE
21 COMPANY; AMIN EMPIRE, INC. D/B/A
22 EXCLUSIVE CALLS,

23 Defendants.

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

24 **STIPULATION AND [PROPOSED] ORDER**
25 **CONTINUING CASE MANAGEMENT**
26 **CONFERENCE**

27 **Date: May 24, 2018**
28 **Time: 10:30 a.m.**
Courtroom: 5, 17th Floor
Before: Hon. Edward M. Chen

29 Pursuant to Civil Local Rule 6-2, the Parties respectfully request that the Court enter the
30 following stipulation to continue the date of the Case Management Conference.

31 WHEREAS, Nationwide filed a motion to stay this litigation pending the outcome of *ACA*
32 *International v. Federal Communications Commission*, No. 15-1211, (D.C. Cir.), which addresses the

1 validity of, *inter alia*, the FCC’s rulings on the types of calling equipment qualify as an automatic
2 telephone dialing system;

3 WHEREAS, by Orders dated January 26, 2018, the Court denied Nationwide’s motion to stay,
4 set a further Case Management Conference for May 24, 2018, and ordered that the discovery to be
5 conducted prior to the next Case Management Conference would be limited as set forth in the Court's
6 Order;

7 WHEREAS, by Stipulation and Order dated February 8, 2018, plaintiff filed a Second Amended
8 Complaint, adding as a defendant Amin Empire, Inc. d/b/a Exclusive Calls (“Exclusive Calls”), which
9 allegedly placed telephone calls to plaintiff in or about August 2016;

10 WHEREAS, by Stipulation and Order dated March 16, 2018, Defendant Exclusive Calls has
11 until May 3, 2018 to file a response to the Second Amended Complaint;

12 WHEREAS, once Exclusive Calls files a responsive pleading, the parties plan to conduct
13 deposition and document discovery as to Exclusive Calls;

14 WHEREAS, the D.C. Circuit issued its decision in *ACA International v. Federal*
15 *Communications Commission*, No. 15-1211, 2018 WL 1352922 (D.C. Cir. Mar. 16, 2018), which
16 granted in part and denied in part the various petitions for review, and it is not known whether there will
17 be any appellate review of the *ACA International* ruling;

18 WHEREAS, to give the parties time to conduct discovery as to Exclusive Calls once it files a
19 responsive pleading and to evaluate the impact of *ACA International* on this case, the parties respectfully
20 request that the Court continue the May 24, 2018 Case Management Conference to July 19, 2018 or the
21 next available date on the Court's calendar;

22 NOW THEREFORE, the Parties jointly request that the Court enter the following Stipulation as
23 an Order of the Court:

24 The Case Management Conference shall be continued to July 19, 2018 at 10:30 a.m.

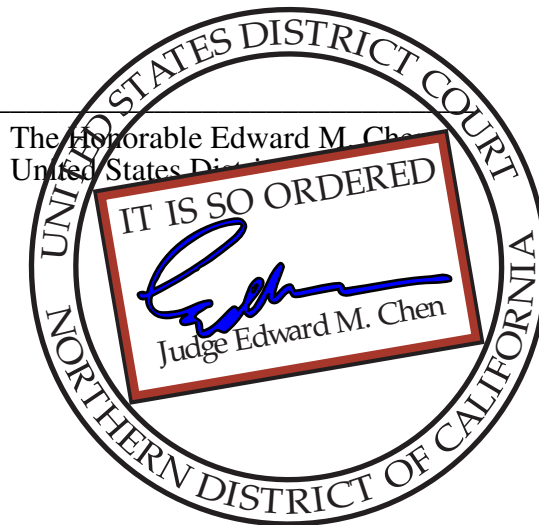
25 **IT IS SO STIPULATED.**

[PROPOSED] ORDER

Good cause appearing therefor:

IT IS ORDERED that the Case Management Conference scheduled for May 24, 2018, shall be continued to July 19, 2018 at 10:30 a.m.

Dated: 4/17/18



The Honorable Edward M. Chen
United States District Judge

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