Abante	Roote	r and Plumbing Inc v. Nationwide Mutual Insurance Comp	bany	Doc. 6			
DENTONS US LLP ONE MARKET PLAZA, SPEAR TOWER, 24 TH FLOOR SAN FRANCISCO, CALIFORNIA 94105 (415) 267-4000	Roote 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24	SONIA MARTIN (State Bar No. 191148) DENTONS US LLP One Market Plaza, Spear Tower, 24th Floor San Francisco, California 94105 Telephone: (415) 267-4000 Facsimile: (415) 267-4198 Email: sonia.martin@dentons.com Attorney for Defendant NATIONWIDE MUTUAL INSURANCE COMPANY [Counsel for Other Parties Listed on Signature UNITED STATI NORTHERN DIST SAN FRAN ABANTE ROOTER AND PLUMBING INC, individually and on behalf of all others similarly situated, Plaintiff, vs. NATIONWIDE MUTUAL INSURANCE COMPANY; AMIN EMPIRE, INC. D/B/A EXCLUSIVE CALLS, Defendants. Pursuant to Civil Local Rule 6-2, the Partie	e Page] ES DISTRICT CON FRICT OF CALIFO CISCO DIVISION Case No. 3:17-C STIPULATION CONFERENCE Date: Time: Courtroom: Before:	URT DRNIA V-03328-EMC AND [PROPOSED] ORDER CASE MANAGEMENT May 24, 2018 10:30 a.m. 5, 17th Foor Hon. Edward M. Chen			
ENT LAZA ICISC (415		Plaintiff,		·			
DE Aarket Pl <i>j</i> San Franc			Time:	10:30 a.m.			
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		Defendants.					
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		Pursuant to Civil Local Rule 6-2, the Parties respectfully request that the Court enter the					
	24	following stipulation to continue the date of the Case Management Conference.					
	25	WHEREAS, Nationwide filed a motion to stay this litigation pending the outcome of <i>ACA</i>					
	26	International v. Federal Communications Commission, No. 15-1211, (D.C. Cir.), which addresses the					
	27						
	28	Case No. 3:17-CV-03328-EMC - 1 -		STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE			
				Dockets.Justia.com			

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

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

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

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

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

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

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

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

The Case Management Conference shall be continued to July 19, 2018 at 10:30 a.m. **IT IS SO STIPULATED.**

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

- 2 -

	1 2 3	Dated: April 13, 2018	DENTONS US LLP
	4 5		By: <u>/s/ Sonia Martin</u> SONIA MARTIN Attorney for Defendant
	6 7 8	Dated: April 13, 2018	NATIONWIDE MUTUAL INSURANCE COMPANY LAW OFFICES OF TODD M. FRIEDMAN, P.C.
	9 10 11		By: <u>/s/Todd M. Friedman</u> TODD M. FRIEDMAN (State Bar No. 216752) ADRIAN R. BACON (State Bar No. 280332) MEGHAN E. GEORGE (State Bar No. 274525)
	12 13		ADRIAN R. BACON (State Bar No. 280332) MEGHAN E. GEORGE (State Bar No. 274525) LAW OFFICES OF TODD M. FRIEDMAN, P.C. Attorneys for Plaintiff ABANTE ROOTER AND PLUMBING INC
	10	Dated: April 13, 2018	CARLSON & MESSER LLP
	17 18 19		By: <u>/s/ David Kaminski</u> DAVID KAMINSKI CARLSON & MESSER LLP
	202122		Attorney for Defendant AMIN EMPIRE, INC.
	23 24 25		
	26 27	Case No. 3:17-CV-03328-EMC -	3 - STIPULATION AND [PROPOSED]
	28		ORDER CONTINUING CASE MANAGEMENT CONFERENCE

	1	[PROPOSED] ORDER						
	2	Good cause appearing therefor:						
	3	IT IS ORDERED that the Case Management Conference scheduled for May 24, 2018, shall be						
	4	continued to July 19, 2018 at 10:30 a.m.						
	5	Dated: $\frac{4/17/18}{51}$						
	6	The disposable Edward M. Che United States Divert						
	7	S IT IS SO OT						
	8	Z Judge Edward M. Chen						
	9	Judge Lutt						
	10							
OR	11	THERN DISTRICT OF CO						
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	28	Case No. 3:17-CV-03328-EMC - 4 - STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT CONFERENCE						