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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ADRIAN AGUILAR, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

CSK AUTO, INC., O'REILLY
AUTOMOTIVE STORES, INC., and
DOES 1-10, inclusive,

Defendants.

CASE NO. 3:17-CV-04263-RS

~~PROPOSED~~ ORDER GRANTING
STIPULATION TO EXTEND STAY OF
ACTION PENDING ACTION BY THE
NINTH CIRCUIT COURT OF APPEALS

On January 9, 2018, Plaintiff ADRIAN AGUILAR (“Plaintiff”), and Defendants CSK AUTO, INC., now known as O’Reilly Auto Enterprises, LLC, and O’REILLY AUTOMOTIVE STORES, INC. (collectively, “O’Reilly”), filed a stipulation to extend the stay in this action pending resolution of a Rule 23(f) petition for immediate appeal by the Ninth Circuit Court of Appeals in a first-filed action. Having read and considered the parties’ stipulation, and finding good cause therefore, **IT IS HEREBY ORDERED THAT:**

1. This stay currently in place in this action shall be continued and extended, for all purposes, for a period of ninety (90) days from the entry of this Order.

2. If the Ninth Circuit denies the plaintiff’s Rule 23(f) petition in the Davidson Action during the pendency of the stay in this action, the stay shall be lifted and O’Reilly shall have 30 days to answer or otherwise respond to Plaintiff’s operative pleading in this action; and,

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3. That initial case management conference and all other deadlines in this action are hereby vacated. A status conference will be held on April 12, at 10:00 am, to address the status of the class certification proceedings in the Davidson action, and the potential interlocutory appeal of the same, and, if appropriate, to set new dates in this action.

DATED: 1/9/18



HON. RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE