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9 **Attorneys for the Class**

10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**
 12 **(OAKLAND DIVISION)**

13 **KIRK KEILHOLTZ and KOLLEEN**)
 14 **KEILHOLTZ for themselves and on**)
 15 **behalf of those similarly situated,**)
 16 **Plaintiffs,**)
 17 **vs.**)
 18 **SUPERIOR FIREPLACE COMPANY;**)
 19 **LENNOX HEARTH PRODUCTS, INC.;**)
 20 **LENNOX INTERNATIONAL, INC. and**)
 21 **DOES 1 through 25, Inclusive,**)
 22 **Defendants.**)

No. CV 08-00836 SI
[PROPOSED] STIPULATION
AND ORDER CONTINUING
BRIEFING AND HEARING DATE
ON DEFENDANTS' MOTION TO
DISMISS PURSUANT TO F.R.C.P.
RULE 12 (B)(6) AND (9)

23 WHEREAS, due to a calendaring oversight, plaintiffs were unable to timely file and serve
 24 their opposition to defendants' motion to dismiss pursuant to F.R.C.P. Rule 12 (b)(6) and (9),
 25 the parties through their counsel have agreed and stipulate as follows:

26 Defendants' pending motion to dismiss pursuant to F.R.C.P. Rule 12 (B)(6) and (9),
 27 currently scheduled for hearing on October 3, 2008 is continued until November 21, 2008 at
 28 9:00 a.m. before the Hon. Judge Susan Illston. Defendants' reply papers shall be filed and
 served at least fourteen (14) days prior to the date for the continued hearing.

