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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 the need to conduct further discovery and the pendency of motions
 24 to compel discovery which plaintiffs assert are necessary to oppose defendant Lennox
 25 International, Inc.'s ("LII") motion to dismiss for lack of personal jurisdiction, the parties,
 26 through their counsel, have agreed and stipulate as follows:

27 Defendant LII's' pending motion to dismiss for lack of personal jurisdiction pursuant to
 28 Rule 12(b)(2), which is scheduled for November 21, 2008, is continued until February 6, 2009,
 at 9:00 a.m., before the Hon. Judge Susan Illston. Plaintiffs' opposition shall be filed and
 served at least twenty one (21) days before the date for the continued hearing. Defendants'

