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14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17	JASON THOMAS, individually, and on)	Case No.: C 08-02397 WDB
18	behalf of all others similarly situated,)	
	Plaintiff,)	<u>CLASS ACTION</u>
19	v.)	STIPULATION AND [PROPOSED] ORDER
20)	TO SET NEW MEDIATION AND CASE
21	T.D. AMERITRADE, INC.)	MANAGEMENT CONFERENCE DATES
22	Defendant.)	

24 **WHEREAS**, this Court's August 14, 2008 Case Management Order required the parties to
 25 complete private mediation before November 30, 2008 (should they decide to attempt ADR through
 26 these means), and set a further Case Management Conference for December 10, 2008;

27 **WHEREAS**, the parties have agreed to engage in early private mediation, and have filed a
 28 letter of intent with the Court stating same; and

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WHEREAS, the earliest available date for the parties to engage in private mediation with a mutually-acceptable mediator is December 9, 2008;

WHEREAS, should the mediation be successful, the parties wish the opportunity to notify the Court of any tentative settlement in their Case Management Conference Statement, ordinarily due seven days before the Case Management Conference.

IT IS THEREFORE STIPULATED AND AGREED, by and between the parties hereto, through their attorneys of record, as follows:

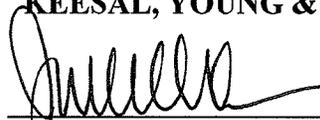
The parties will attend private mediation in this case on or before December 9, 2008;

The Case Management Conference, currently set for December 10, 2008 should be continued to at least December 18, 2008.

Dated: September 25, 2008

KEESAL, YOUNG & LOGAN, APC

By:



Julie A. Kole, Esq.
Attorneys for Defendant

Dated: September 24, 2008

SCOTT COLE & ASSOCIATES, APC

By:



Carrie S. Lin, Esq.
Attorneys for the Representative Plaintiff
and the Plaintiff Class

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IT IS HEREBY ORDERED that:

1. The parties shall have until December 9, 2008 to conduct a mediation in this action.
2. The Case Management Conference, currently scheduled for December 10, 2008, is hereby continued to December 18, 2008, at 1:30 p.m.



The Honorable Wayne D. Brazil
United States District Court Magistrate Judge