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Attorneys for Plaintiff
 TINA BATES

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 10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION

FENWICK & WEST LLP
 ATTORNEYS AT LAW
 MOUNTAIN VIEW

13 TINA BATES, individually and on behalf
 14 of a class of similarly situated individuals,

15 Plaintiff,

16 v.

17 SENDME, INC., a Delaware corporation,

18 Defendant.

Case No. 08-5361 MEJ

**STIPULATION AND ~~PROPOSED~~ ORDER
 CONTINUING SENDME'S RESPONSE
 DATE TO THE CLASS ACTION
 COMPLAINT**

19
 20 WHEREAS, on September 9, 2008, Plaintiff Tina Bates ("Bates") filed her Class Action
 21 Complaint ("Complaint") against Defendant SendMe, Inc. ("SendMe");

22 WHEREAS, on November 26, 2008, SendMe filed a Notice of Removal in the United
 23 States District Court for the Northern District of California;

24 WHEREAS, SendMe's response to the Complaint is currently due to be filed and served
 25 on or before December 5, 2008;

26 WHEREAS, counsel for both parties have conferred and agree that SendMe's deadline to
 27 respond to the Complaint should be continued for 60 days.

28 ACCORDINGLY, SendMe and Bates, by and through their counsel of record, hereby

STIPULATION AND [PROPOSED] ORDER
 CONTINUING SENDME'S RESPONSE DATE TO THE
 CLASS ACTION COMPLAINT

CASE No. 08-5361 MEJ

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ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Rodger R. Cole, attest that concurrence in the filing of this document has been obtained from any signatories indicated by a “conformed” signature (/s/) within this e-filed document.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 5th day of December, 2008, at Mountain View, California.

FENWICK & WEST LLP

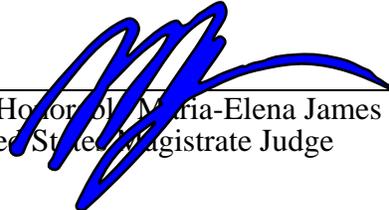
By: /s/ Rodger R. Cole
Rodger R. Cole

Attorneys for Defendant
SEND ME, INC.

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: December 5 , 2008

By:  _____
The Honorable Maria-Elena James
United States Magistrate Judge

FENWICK & WEST LLP
ATTORNEYS AT LAW
MOUNTAIN VIEW