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22 UNITED STATES DISTRICT COURT
 23 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 24 OAKLAND DIVISION

25 ROBERT GORDON, MELE LAU-SMITH,
 26 and DOES 1-100,

Case No.: 09-cv-05585-PJH

27 PLAINTIFFS,

**STIPULATION RE
 CONTINUING HEARING ON
 PLAINTIFFS' MOTION TO
 REMAND AND DEFENDANTS'
 MOTION TO DISMISS AND
 CONTINUE INITIAL CASE
 MANAGEMENT CONFERENCE;
 [PROPOSED] ORDER
 THEREON**

28 v.

29 CHURCH & DWIGHT CO., INC.; and
 30 ROES 1-100,

31 DEFENDANTS.

32 WHEREAS, on or about October 30, 2009, Plaintiffs Robert Gordon and Mele
 33 Lau-Smith filed a complaint against Defendant Church & Dwight Co., Inc. ("Church
 34

1 & Dwight”) in the Superior Court of California, In and For The County of San
2 Francisco, and service of the Complaint was effected on November 24, 2009;

3 WHEREAS, Church & Dwight removed this action from state court to the
4 United States District Court for the Northern District of California on November 24,
5 2009;

6 WHEREAS, on December 9, 2009, the parties stipulated to a brief extension of
7 the deadline for Church & Dwight to respond to the complaint, and there have been
8 no other time modifications in this case;

9 WHEREAS, on December 24, 2009, Plaintiffs filed a motion to remand this
10 case to state court (“Motion to Remand”), Church & Dwight filed its Opposition on
11 January 27, 2010, to that motion and Plaintiffs’ reply brief must be filed and served
12 on or before February 3, 2010;

13 WHEREAS, on January 13, 2010, Church & Dwight filed a motion to dismiss
14 this case pursuant to Federal Rule of Civil Procedure 12(b)(6) (“Motion to Dismiss”),
15 Plaintiffs filed their Opposition to that motion on January 27, 2010, and Church &
16 Dwight’s reply brief must be filed and served on or before February 3, 2010;

17 WHEREAS, Plaintiffs’ Motion to Remand and Church & Dwight’s Motion to
18 Dismiss are currently scheduled to be heard by this Court at 9:00 a.m. on February
19 17, 2010;

20 WHEREAS, counsel for Church & Dwight, Baldassare Vinti, who is
21 responsible for the day-to-day management of this case and played a significant role
22 in briefing the Motion to Dismiss and opposition to the Motion to Remand, must tend
23 to his spouse as she recuperates from surgery that is scheduled for this week;

24 WHEREAS, Church & Dwight has relied upon Baldassare Vinti to prepare and
25 implement its defense in this lawsuit and requests that Mr. Vinti assist in the
26 preparation for oral argument of the pending motions;

27 WHEREAS, the Court’s clerk has advised that the next available dates the
28 Court can hear the pending motions are March 17, 24, or 31, 2010;

1 WHEREAS, the Court, by order dated November 24, 2009, scheduled the
2 Initial Case Management Conference in this matter for March 4, 2010;

3 WHEREAS, the Proskauer partners' retreat is scheduled for March 4, 2010;

4 WHEREAS, counsel for the parties met and conferred by telephone on January
5 29, and February 3, 2010, during which counsel for Church & Dwight asked
6 Plaintiffs to join Church & Dwight in requesting a reasonable continuance of the
7 hearing on the pending Motion to Remand and Motion to Dismiss and a continuance
8 of the Initial Case Management Conference to permit counsel for Church & Dwight
9 to attend to personal needs and other professional commitments, and Plaintiffs agreed
10 to join Church & Dwight in seeking a continuance;

11 WHEREAS, no trial date has been set, nor any order issued setting a pretrial or
12 discovery schedule for this case, and thus a brief continuance of the hearing on the
13 pending Motion to Remand and Motion to Dismiss and a continuance of the Initial
14 Case Management Conference will not affect any pretrial or trial deadlines or
15 schedules set in this case;

16 NOW, THEREFORE, PLAINTIFFS AND DEFENDANT HEREBY
17 STIPULATE AND REQUEST that the hearing on Plaintiffs' Motion to Remand and
18 Church & Dwight's Motion to Dismiss, and the Initial Case Management Conference
19 (along with all corresponding Fed. R. Civ. P. 16 and 26(f) dates accordingly) be
20 continued from February 17, 2010 and March 4, 2010, respectively, to March 24,
21 2010, or as soon thereafter as the matters can be heard by this Court.

22 Dated: February 3, 2010

Proskauer LLP

23

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By

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/S/

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Nancy Sher Cohen
Attorneys for Defendant
Church & Dwight Co., Inc.

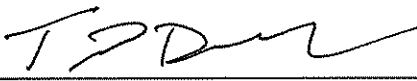
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Dated: February 3, 2010

Ropers, Majeski, Kohn &
Bentley LLP

By 

Timothy Dolan
Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 2/9/10

