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UNITED STATES DISTRICT COURT			
STRICT OF CALIFORNIA			
AND DIVISION			
Case No. C-09-5744-CW			
Class Action			
JOINT STIPULATION TO CONTINUE CASE			
MANAGEMENT CONFERENCE HEARING			
DATE AND [PROPOSED] ORDER			
Civil Local Rule 7-12			
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Joint Stipulation to Continue C			

C-09-5744-CW

IT IS HEREBY STIPULATED by and between Plaintiff Martin Murray and Defendants Sears, Roebuck and Co. and Electrolux Home Products, Inc. through their respective counsel as follows:

RECITALS

- 1. On January 25, 2011, this Court continued the Case Management Conference to May 3, 2011 at 2:00 p.m. in Courtroom 2 of the above-entitled Court to allow for further developments regarding the issuance of an injunction against Plaintiff Murray and his attorneys in the case of *Thorogood v. Sears, Roebuck and Co.*, Case No. 06 CV 1999, U.S. District Court, Northern District of Illinois ("*Thorogood* Case"). The Court also stayed all discovery until further order.
- 2. Pursuant to a briefing schedule subsequently entered by the Court in the *Thorogood* Case, on February 18, 2010 Defendant Sears filed its Motion to Enter Permanent Injunction in the Northern District of Illinois. [*Thorogood* Dkt. 192].
- 3. On March 2, 2011, Plaintiff Murray, as co-petitioner with Steven Thorogood, filed a Petition for Writ of Certiorari with the U.S. Supreme Court in the case of *Thorogood vs. Sears*, *Roebuck & Co.*, Supreme Court Case No. 10-1087 ("*Petition*") challenging the decision and Opinion by the Court of Appeals in the case of *Thorogood v. Sears*, *Roebuck & Co.* (7th Cir. Nov. 2, 2010) (*Thorogood III*), which is the basis for the issuance of an injunction in the *Thorogood* Case.
- 4. On March 7, 2011, Plaintiff Thorogood filed his Response to Sears' Motion to Enter Permanent Injunction. [*Thorogood* Dkt. 196].
- 5. On March 21, 2011, Defendant Sears filed its Reply in Support of Motion to Enter Permanent Injunction. [*Thorogood* Dkt. 197].
- 6. On April 4, 2011, Defendant Sears filed its Response to said *Petition*, which is currently pending with the U.S. Supreme Court.
 - 7. At present, the injunction in the *Thorogood* Case has not been issued.
- 8. In the interests of judicial economy, a continuance of Case Management Conference in the instant case is warranted because the issuance of an injunction in the *Thorogood* Case will affect the management of the instant case.

1	9. Based upon the foregoing recitals, i	t is hereby stipulated by the parties as follows:	
2	<u>STIPULATION</u>		
3	1. It is stipulated that the date for the	Case Management Conference be continued from	
4	May 3, 2011 to June 21, 2011 at the same time and place.		
5	[Signatures on next page]		
6	Dated: April 13, 2011	/s/ Mark Boling	
7	Buted: 11pm 13, 2011	Mark Boling	
		Attorneys for Plaintiff MARTIN MURRAY	
8		MARTIN MURRAY	
9	LAW OFFICE OF MARK BOLING	KRISLOV & ASSOCIATES, LTD.	
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13	(5.15) 6.66 / 6.76	Facsimile: (312) 606-0207	
14			
15	Dated: <u>April 13, 2011</u>	<u>/s/ Mark C. Dosker</u>	
		Mark C. Dosker	
16		Attorneys for Defendant SEARS, ROEBUCK AND CO.	
17	SQUIRE, SANDERS & DEMPSEY (US) LLP	SQUIRE, SANDERS & DEMPSEY (US) LLP	
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22	Facsimile: (415) 393-9887	Facsimile: (216) 479-8780	
23			
24	Dated: <u>April 13, 2011</u>	<u>/s/ Mark S. Mester</u>	
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1 2		Mark S. Mester Attorneys for Defendant ELECTROLUX HOME PRODUCTS, INC.	
3	LATHAM & WATKINS LLP Darius Ogloza / Heather Thompson	LATHAM & WATKINS LLP Mark S. Mester / Livia M. Kiser / Kathleen P.	
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8		Facsimile: (312) 993-9767	
9			
10	ORDER		
11	PURSUANT TO STIPULATION, IT IS SO ORDERED.		
12 13	Dated: 4/15/2011	Cla via la Villa	
14	Dated: 4/15/2011	United States District Judge	
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28		Joint Stipulation to Continue CMC	

1	ATTESTATION OF E-FILED SIGNATURE
2	I Eve I was I Down on the ECE Heavy whose ID and recovered were used to file the attached
3	I, Eve-Lynn J. Rapp, am the ECF User whose ID and password were used to file the attached
4	document. In compliance with General Order 45, X.B., I hereby attest that Mark Boling, Mark C.
5	Dosker and Mark S. Mester concurred in that filing.
6	Dated on April 13, 2011 at Chicago, Illinois. Respectfully submitted,
7	
8	By: <u>/s/ Eve-Lynn J. Rapp</u>
9	Eve-Lynn J. Rapp Attorney for Plaintiff
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