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7 Attorneys for Defendants Aaron Brothers, Inc. and
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8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 JOSE TIJERO, individually and on
 behalf of all others similarly situated,

Case No. 4:10-cv-01089-SBA

12 Plaintiff,

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE THE
 INITIAL CASE MANAGEMENT
 CONFERENCE**

13 vs.

14 AARON BROTHERS, INC., a
 15 Delaware Corporation;
 MICHAELS STORES, INC., a
 16 Delaware corporation,

Date of Removal: March 15, 2010

17 Defendants.

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1 **STIPULATION**

2 Pursuant to Local Rule 7-12, Plaintiff Jose Tijero (“Plaintiff”) and Defendants
3 Aaron Brothers, Inc. and Michaels Stores, Inc. (“Defendants”) (Tijero and
4 Defendants collectively, the “Parties”) enter this Stipulation to continue the initial
5 Case Management Conference.

6 WHEREAS, Defendants removed this case on March 15, 2010 and filed a
7 motion to dismiss for insufficient service of process pursuant to Federal Rule of
8 Civil Procedure 12(b)(5) (the “Motion”) on March 23, 2010.

9 WHEREAS, the Motion was initially noticed to be heard on May 7, 2010, but
10 that hearing date was moved by the Court first to June 15, 2010 and subsequently to
11 July 21, 2010.

12 WHEREAS, the initial Case Management Conference was set for June 30,
13 2010 and subsequently moved by the Court to July 21, 2010, and thereafter, upon
14 the parties’ request, to October 14, 2010;

15 WHEREAS, Defendants have not answered Plaintiff’s Complaint;

16 WHEREAS, the Parties have not yet engaged in any discovery;

17 WHEREAS, a putative class action entitled *Godfrey v. Aaron Brothers, Inc.*,
18 Case No. 8:10-cv-01220-AG-MLG, alleging many of the same claims against
19 Defendant Aaron Brothers, Inc. was filed in Orange County Superior Court on June
20 23, 2010 and removed to the Central District of California on August 11, 2010;

21 WHEREAS, the plaintiff in *Godfrey*, Ms. Amanda Godfrey, voluntarily
22 dismissed the Central District Action on September 15, 2010 with the stated intent
23 of being named in the First Amended Complaint along with Plaintiff Jose Tijero in
24 the current Action;

25 WHEREAS, Plaintiff Jose Tijero has advised that a First Amended Complaint
26 in the current Action will be filed by October 7, 2010; and
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1 WHEREAS, the Parties wish to avoid the unnecessary expense of preparing
2 for the initial case management conference while the operative complaint is not on
3 file;

4 Therefore, the Parties HEREBY AGREE TO AND STIPULATE, by and
5 through their respective attorneys of record, subject to the Court's permission, that
6 the initial Case Management Conference be continued from October 14, 2010 to
7 January 13, 2011, or such other date thereafter as the Court may so desire.

8 IT IS SO STIPULATED.

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10 Dated: September 30, 2010

BADAME & ASSOCIATES, APC

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By: _____

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Kristopher P. Badame

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Attorneys for Plaintiff Jose Tijero & Third
Party Amanda Godfrey

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16 Dated: September 30, 2010

AKIN GUMP STRAUSS HAUER
& FELD LLP

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By: _____

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Scott J. Witlin

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Attorneys for Defendants Aaron Brothers,
Inc. and Michaels Stores, Inc.

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[PROPOSED] ORDER

The Court, having reviewed the Stipulation of the Parties, and good cause appearing for the relief requested by the Stipulation, HEREBY ORDERS THAT:

The initial Case Management Conference is continued from October 14, 2010 to **January 13, 2011 at 3:15p.m.** The parties shall meet and confer prior to the conference and shall prepare a joint Case Management Conference Statement which shall be filed no later than ten (10) days prior to the Case Management Conference that complies with the Standing Order for All Judges of the Northern District of California and the Standing Order of this Court. Plaintiff shall be responsible for filing the statement as well as for arranging the conference call. All parties shall be on the line and shall call (510) 637-3559 at the above indicated date and time.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 4, 2010

By: *Saundra B. Armstrong*
Saundra B. Armstrong
United States District Judge

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is: 2029 Century Park East, Suite 2400, Los Angeles, California 90067. On _____, I served the foregoing document(s) described as: **STIPULATION AND [PROPOSED] ORDER TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE** on the interested party(ies) below, using the following means:

All parties identified for Notice of Electronic Filing generated by the Court's CM/ECF system under the referenced case caption and number

BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 1, 2010 at Los Angeles, California.

Print Name

Signature