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16 Attorney for Plaintiff

17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 OAKLAND DIVISION

20 VASU D. ARORA,
 21 Plaintiff,
 22 v.
 23 TD AMERITRADE, INC.,
 24 Defendant.

Case No. CV 10-01216 CW
 STIPULATED REQUEST FOR
 RELIEF FROM CASE
 MANAGEMENT SCHEDULE;
 DECLARATION REGARDING SAME;
~~PROPOSED~~ ORDER

27 Plaintiff Vasu D. Arora and Defendant TD Ameritrade, Inc., by and through their
 28 respective counsel of record, hereby submit a stipulated request for continuance of the Case

1 Management Conference presently scheduled for July 13, 2010, at 2:00 p.m., in Courtroom 2 of
2 the above-entitled court, and for relief from the related case management deadlines. The parties
3 respectfully request that the Court continue the Case Management Conference because, as evident
4 from the pleadings and documents on file and as set forth in the accompanying Declaration of
5 Brad S. Daniels, the parties have filed dispositive motions, the outcome of which will resolve
6 whether this action will proceed. It would be a more efficient use of the Court's and parties'
7 resources to determine whether a Case Management Conference is necessary after the Court
8 decides the pending motions, and to continue the related deadlines accordingly. The parties agree
9 that if a Case Management Conference is necessary, it should be continued to a date no earlier
10 than thirty (30) days after the Court's decision on the pending motions, or such other date as may
11 be convenient for the Court.

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DATED: July 6, 2010 STOEL RIVES LLP

By: *Lois O. Rosenbaum*
Lois O. Rosenbaum
Attorneys for Defendant

DATED: July 2, 2010 MATLOCK LAW GROUP

By: *K Brian Matlock*
K. Brian Matlock
Attorneys for Plaintiff

1 **DECLARATION OF BRAD S. DANIELS IN SUPPORT OF STIPULATED REQUEST**
2 **FOR RELIEF FROM CASE MANAGEMENT SCHEDULE**

3 I, BRAD S. DANIELS, declare:

4 1. I am an attorney with Steel Rives LLP, attorneys of record for Defendant TD
5 Ameritrade, Inc. My motion for leave to appear *pro hac vice* is pending before the Court. I
6 make this declaration on my personal knowledge and am competent to testify to the facts set forth
7 herein.

8 2. Plaintiff and Defendant were parties to a Financial Industry Regulatory Authority
9 (FINRA) arbitration. After a hearing, a three-member panel of arbitrators issued an arbitration
10 award in December 2009 (the "Award").

11 3. On March 23, 2010, Plaintiff filed a Motion to Vacate the Award and a Complaint
12 in this Court.

13 4. On April 16, 2010, the Court issued a Case Management Order setting (1)
14 deadlines related to Plaintiff's Motion to Vacate, (2) a hearing on the Motion to Vacate for June
15 3, 2010, and (3) a Case Management Conference for July 13, 2010. The hearing was
16 subsequently continued to June 17, 2010.

17 5. On May 3, 2010, Defendant filed a Response to Plaintiff's Motion to Vacate and a
18 Motion to Dismiss Plaintiff's Amended Complaint on *res judicata* grounds.

19 6. On May 14, 2010, the Court issued an order vacating the June 17 hearing and
20 taking both motions under submission on the papers. The parties completed briefing related to
21 the motions on June 3, 2010. The Motion to Dismiss and the Motion to Vacate are currently
22 pending before the Court.

23 7. Although Plaintiff filed a Complaint, this case is not in a typical procedural
24 posture. The outcome of the motions will determine whether the action will proceed.

25 8. The parties believe that it would be a more efficient use of the Court's and the
26 parties' resources to determine whether a Case Management Conference is necessary after the
27 Court decides the pending motions, and to continue the related deadlines accordingly.

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9. This is the parties' first request for a continuance in this action.

I declare under penalty of perjury under the laws of the State of Oregon that the foregoing is true and correct.

Dated: July 6, 2010


BRAD S. DANIELS

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~~PROPOSED~~ ORDER

Plaintiff and Defendant have jointly submitted a Stipulated Request for Relief from Case Management Schedule. PURSUANT TO STIPULATION IT IS HEREBY ORDERED that the Case Management Conference currently scheduled for July 13, 2010 is vacated. If necessary, the Court will reschedule the Case Management Conference to a date no earlier than thirty (30) days after the Court's decisions on the pending Motion to Vacate and Motion to Dismiss, or such other date as may be convenient for the Court. All related deadlines—including, but not limited to, the deadline to file a joint case management conference statement—are continued accordingly.

DATED: July 9, 2010


The Honorable Claudia Wilken

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **STIPULATED REQUEST FOR RELIEF FROM CASE MANAGEMENT SCHEDULE; DECLARATION OF BRAD S. DANIELS REGARDING SAME; [PROPOSED] ORDER** on the following named person(s) on the date indicated below by

- mailing with postage prepaid
- hand delivery
- facsimile transmission
- overnight delivery
- email
- notice of electronic filing using the Cm/ECF system

to said person(s) a correct copy thereof, contained in a sealed envelope, addressed to said person(s) at his or her last-known address(es) indicated below.

Ian Lubniewski (Via Overnight Delivery)
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Vasu D. Arora

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Attorney for Plaintiff
Vasu D. Arora

DATED: July 6, 2010.

STOEL RIVES LLP

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