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24 AFSANA ALEKOZAI

25 **UNITED STATES DISTRICT COURT**  
26 **NORTHERN DISTRICT OF CALIFORNIA**

27 AFSANA ALEKOZAI,  
28 Plaintiff,  
29  
30 vs.  
31  
32 COLD STONE CREAMERY LEASING  
33 COMPANY, INC.,  
34 Defendant.

Case No. 10-CV-1254-PJH

**STIPULATED REQUEST TO VACATE  
JULY 22, 2010 CASE MANAGEMENT  
CONFERENCE AND TO STAY THE SAME  
PENDING COMPLETION OF  
ARBITRATION, AND [PROPOSED]  
ORDER**

1 Pursuant to this Court's May 14, 2010 Order Setting Case Management Conference (Docket  
2 No. 21), Plaintiff Afsana Alekozai, by and through her attorney, Scott Flaxman, and Defendant Cold  
3 Stone Creamery Leasing Company, Inc. ("CSL"), by and through its attorneys, Arthur L. Pressman  
4 and Matthew J. Frankel of Nixon Peabody LLP, hereby stipulate and request that the Case  
5 Management Conference currently scheduled for July 22, 2010 be vacated and stayed pending  
6 arbitration. In support of this request, the parties state as follows:

7 1. Plaintiff filed her Complaint in this action against CSL on or about March 25, 2010  
8 (Docket No. 1).

9 2. On April 20, 2010, CSL filed its Motion to Dismiss and/or Stay Pending Arbitration  
10 ("Motion") (Docket No. 4).

11 3. On May 14, 2010 the Court issued an Order Setting Case Management Conference,  
12 setting the case management conference for July 22, 2010 (Docket No. 21).

13 4. On June 25, 2010, the Court (Honorable Phyllis J. Hamilton, presiding) issued an  
14 Order (Docket No. 23) granting CSL's Motion by dismissing Counts I and II of Plaintiff's Complaint  
15 and staying the balance of Plaintiff's claims against CSL pending their arbitration.

16 5. The parties hereby stipulate that that the Court's June 25, 2010 Order renders a case  
17 management conference unnecessary at this time, as there are no claims pending before the Court and  
18 the entirety of the action is stayed pending arbitration.

19 6. Accordingly, the parties respectfully request that the Court vacate the July 22, 1010  
20 case management conference and stay the same pending completion of the arbitration pursuant to the  
21 parties' agreement.

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1 DATED: July 12, 2010

Respectfully submitted,

2 NIXON PEABODY LLP

3  
4 By: /s/ Matthew J. Frankel  
5 Matthew J. Frankel

6 Attorneys for Defendant  
7 COLD STONE CREAMERY LEASING COMPANY, INC.

8 SCOTT FLAXMAN LAW

9  
10 By: /s/ Scott A. Flaxman  
11 Scott A. Flaxman

12 Attorney for Plaintiff  
13 AFSANA ALEKOZAI

14 I certify under penalty of perjury under the laws of the United States that I have received  
15 permission from Scott Flaxman to affix his e-signature and to e-file this document.

16 /s/ Matthew J. Frankel  
17 Matthew J. Frankel

18  
19 PURSUANT TO STIPULATION AND GOOD CAUSE APPEARING, IT IS SO ORDERED.

20 Date: 7/15/10 By: \_\_\_\_\_

