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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JUST FILM, INC., RAINBOW BUSINESS SERVICES, D/B/A PRECISION TUNE AUTO CARE; BURLINGAME MOTORS, INC., DIETZ TOWING, INC., THE ROSE DRESS, INC., VOLKER VON GLASENAPP; JERRY SU; VERENA BAUMGARTNER; TERRY JORDAN; AND LEWIS BAE on behalf of themselves, the general public and those similarly situated

Plaintiffs,

v.

MERCHANT SERVICES, INC.; NATIONAL PAYMENT PROCESSING; UNIVERSAL MERCHANT SERVICES LLC; JASON MOORE; JWM HOLDINGS, LLC; LA QUINTA HOLDINGS LLC; NATHAN JURCZYK, ROBERT PARISI, ERIC MADURA, FIONA WALSH, ALICYN ROY; MBF LEASING LLC; NORTHERN FUNDING LLC; NORTHERN LEASING SYSTEMS, INC.; GOLDEN EAGLE LEASING LLC; LEASE SOURCE, LLC; LEASE FINANCE GROUP, LLC; JAY COHEN; LEONARD MEZEI; RICH HAHN; SARA KRIEGER; LINA KRAVIC; BRIAN FITZGERALD; SAM BUONO; MBF

Case No. 4:10-cv-01993-CW

STIPULATION PURSUANT TO CIVIL LOCAL RULE 6-1(A) TO RESCHEDULE THE HEARING ON DEFENDANTS' MOTION TO DISMISS

and

STIPULATED REQUEST PURSUANT TO CIVIL LOCAL RULE 6-2(A) TO RESCHEDULE THE CASE MANAGEMENT CONFERENCE AND [PROPOSED] ORDER THEREON

and

[Declaration of Kristen Simplicio filed concurrently herewith]

1 MERCHANT CAPITAL, LLC; RBL CAPITAL
2 GROUP, LLC; WILLIAM HEALY; JOSEPH I.
3 SUSSMAN; JOSEPH I. SUSSMAN, P.C.
4 TRANSFIRST HOLDINGS, INC.; TRANSFIRST,
5 LLC, TRANSFIRST THIRD PARTY SALES, LLC,
6 COLUMBUS BANK AND TRUST CO.; FIFTH
7 THIRD BANK; AND MERRICK BANK;

Defendants.

8 **WHEREAS**, on June 25, 2010, Plaintiffs filed a First Amended Class Action Complaint
9 in this action (the “First Amended Complaint”);

10 **WHEREAS**, defendants Merchant Services, Inc.; National Payment Processing;
11 Universal Merchant Services LLC; Jason Moore; JWM Holdings, LLC; La Quinta Holdings
12 LLC; Nathan Jurczyk, Robert Parisi, Eric Madura, Fiona Walshe, Alycin Roy; MBF Leasing
13 LLC; Northern Funding LLC; Northern Leasing Systems, Inc.; Golden Eagle Leasing LLC;
14 Lease Finance Group LLC; Jay Cohen; Leonard Mezei; Rich Hahn; Sara Krieger; Lina Kravic;
15 Brian Fitzgerald; Sam Buono; MBF Merchant Capital, LLC; RBL Capital Group, LLC; William
16 Healy; Fifth Third Bank; and Merrick Bank served responses to the First Amended Complaint on
17 July 26, 2010;

18 **WHEREAS**, defendants TransFirst Holdings, Inc., TransFirst, LLC, TransFirst Third
19 Party Sales, LLC, and Columbus Bank and Trust responded to the First Amended Complaint on
20 August 9, 2010, due to an illness of these defendants’ counsel;

21 **WHEREAS**, defendants Joseph I. Sussman and Joseph I. Sussman, P.C. were served on
22 July 12, 2010 and responded on August 9, 2010 per agreement of the parties;

23 **WHEREAS**, this Court set the hearing date for the dispositive motions and Case
24 Management Conference for September 9, 2010 in an order dated July 12, 2010 [docket #99];

25 **WHEREAS**, September 9, 2010 is Rosh Hashanah;

26 **WHEREAS**, the parties have agreed, subject to approval of the Court, to move the
27 hearing and Case Management Conference to September 16, 2010;

28 **WHEREAS**, the extensions set forth herein will not impact any other deadline currently
set by this Court;

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NOW, THEREFORE, IT IS HEREBY STIPULATED, by and between the undersigned parties, through their respective counsel of record, pursuant to Civil Local Rules 6-1(a) and 6-2(a) and Rule 6 of the Federal Rules of Civil Procedure, as follows:

1. The Court will hear the motions to dismiss and hold a Case Management Conference on September 16, 2010;
2. Plaintiffs shall oppose any such motions filed in response to the First Amended Complaint in accordance with the local rules; and
3. Defendants shall reply to any such oppositions in accordance with the local rules.

1 DATED: August 18, 2010

Respectfully submitted,

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10 Kristen Simplicio

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12 *Rainbow Business Services d/b/a Precision*
13 *Tune Auto Care, Volker von Glasenapp and*
14 *Jerry Su, Burlingame Motors, Inc., Dietz*
15 *Towing, Inc., The Rose Dress, Inc., Verena*
16 *Baumgartner, Terry Jordan and Lewis Bae*

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25 *Attorneys for Defendants Transfirst*
26 *Holdings, Inc., Transfirst, LLC and*
27 *Transfirst Third Party Sales, LLC*
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By: /s/ Joan E. Trimble
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*Attorney for Defendants MBF Merchant
Capital, LLC and William Healy*

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PROPOSED ORDER

Pursuant to Civil Local Rule 6-2(a), and **GOOD CAUSE APPEARING THEREFOR**, it is therefore ORDERED that:

1. The Court will hear the motions to dismiss and hold a Case Management Conference on September 16, 2010;
2. Plaintiffs shall oppose any such motions filed in response to the First Amended Complaint in accordance with the local rules; and
3. Served Defendants shall reply to any such oppositions in accordance with the local rules.

IT IS SO ORDERED.

DATED: 8/23/2010



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT JUDGE

I, Kristen Simplicio, am the ECF user whose ID and password are being used to file this document. In compliance with section X(B) of General Order 45, I hereby attest that Robert Webner, Cary Sullivan, Seema Tendolkar, Scott Pearson, Jen Nigro, Seth Weiner, and Joan Trimble concurred in this filing.

/s/ Kristen Simplicio