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15 ATTORNEYS FOR PLAINTIFF

16 **UNITED STATES DISTRICT COURT**
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 CHRISTOPHER KRAMER, individually and on)
 19 behalf of all others similarly situated,)

20 *Plaintiff,*)

21 v.)

22 AUTOBYTEL, INC., a Delaware corporation,)
 23 and B2MOBILE, LLC, a California limited)
 24 liability company, and LEADCLICK MEDIA,)
 25 INC., a California corporation,)

26 *Defendants.*)

No. 10-cv-02722-CW

27 **STIPULATION TO MODIFY**
 28 **THE UNITED STATES' TIME**
TO INTERVENE AND RESET
HEARINGS ON MOTIONS TO
DISMISS AND CASE
MANAGEMENT
CONFERENCE

Honorable Claudia A. Wilken

1 intervening in the present case. Ms. Freeny further sought a thirty-day extension to decide
2 whether the United States would intervene.

3 6. In light of the United States' pending decision to intervene, the Parties stipulate
4 that the United States shall have until October 12, 2010, to decide if it will intervene and file any
5 documents in support of its position.

6 7. Under FRCP 5.1, the Court is prohibited from granting Defendants' constitutional
7 challenge until September 20, 2010, at the earliest. Therefore, the Parties stipulate to continue
8 both the hearing on the Motions to Dismiss (currently set for September 9, 2010) and the Case
9 Management Conference (currently set for October 1, 2010) to November 18, 2010 at 2 P.M., or
10 such other time as the Court deems appropriate.

11 8. Pursuant to the stipulated briefing schedule, Defendants B2Mobile and LeadClick
12 Media shall file their Replies to Plaintiff's Opposition to their Motions to Dismiss either by
13 August 26, 2010, as previously stipulated by the parties, or at such later date as the Court may
14 determine after hearing the anticipated motion by B2Mobile and LeadClick to enlarge time.

15 9. Notwithstanding the above revised schedule, the Parties stipulate that Defendants
16 B2Mobile and LeadClick Media may reply, on or before November 1, 2010, in response to any
17 documents filed by the United States on or before October 12, 2010.

18
19 Dated: August 18, 2010

EDELSON McGUIRE, LLC
Attorneys for Plaintiff

20 By: /s/ Christopher L. Dore
21 Christopher Dore

22
23 Dated: August 18, 2010

SUMMIT LAW GROUP PLLC
Attorneys for Defendant B2Mobile, LLC

24 By: /s/ Philip S. McCune
25 Philip S. McCune
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Dated: August 18, 2010

DAVIS WRIGHT TREMAINE LLP
Attorneys for Defendant Autobytel Inc.

By: /s/ Randy Gainer
Randy Gainer

Dated: August 18, 2010

REED SMITH, LLP
Attorneys for Defendant LeadClick Media, Inc.

By: /s/ Roxanne M. Wilson
Roxanne M. Wilson

PURSUANT TO STIPULATION, IT IS SO ORDERED.
DATED this 23rd day of August, 2010.



THE HONORABLE CLAUDIA WILKEN
UNITED STATES DISTRICT COURT JUDGE