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

19 NANSEE PARKER and PHONG PHAM, on  
 20 behalf of themselves and those similarly  
 situated,

21 Plaintiffs,

22 v.

23 DISH NETWORK LLC,

24 Defendant.

Case No. 4:11-cv-01457-PJH

**STIPULATED REQUEST TO EXTEND  
 TIME TO FILE PRELIMINARY  
 APPROVAL PAPERS; AND [~~PROPOSED~~]  
 ORDER**

1 Pursuant to Civil L.R. 6-2, 7-12 and 16-2(d), the parties jointly seek to modify the briefing  
2 schedule set forth in the Court's August 8, 2011 order (Docket No. 44) and respectfully request that the  
3 Court enter the following stipulation, as set forth below.

4 WHEREAS, on June 7, 2011, the Court granted the parties stipulated request seeking relief from  
5 the order setting an Initial Case Management Conference, requesting an extension of all deadlines,  
6 including ADR deadlines, Initial Disclosures, and the Case Management Conference, as well as asking  
7 the Court to enter a briefing schedule for DISH's Motion to Transfer Venue, pursuant to 14 U.S.C.  
8 section 1404(a) ("Motion to Transfer"), and Motion to Dismiss and Strike, pursuant to Rules 9, 12(b)(6)  
9 and 12(f) of the Federal Rules of Civil Procedure ("Motion to Dismiss"), filed on May 20, 2011;

10 WHEREAS, on August 8, 2011, the Court granted the parties stipulated request to modify the  
11 briefing schedule so as to allow the parties to finalize and memorialize a written settlement agreement  
12 and prepare a Joint Motion Re: Order Granting Provisional Certification Of Settlement Class And  
13 Preliminary Approval Of Class Action Settlement Agreement; and

14 WHEREAS, the parties require some additional time to finalize those documents,

15 **IT IS HEREBY STIPULATED AND AGREED**, by and between Plaintiffs and DISH, by and  
16 through the undersigned attorneys for the parties and subject to the Court's approval, that:

- 17 1. The parties will work diligently to finalize their settlement agreement and file a Joint  
18 Motion Re: Order Granting Provisional Certification Of Settlement Class And  
19 Preliminary Approval Of Class Action Settlement by October 3, 2011;
- 20 2. The briefing schedule for DISH's Motion to Transfer and Motion to Dismiss shall remain  
21 as follows:
  - 22 a. Plaintiffs' Opposition briefs, if any, to DISH's Motion to Transfer and Motion to  
23 Dismiss must be filed on or before October 10, 2011, and
  - 24 b. Defendant's Reply briefs in support of its Motion to Transfer and Motion to  
25 Dismiss must be filed on or before October 31, 2011;
- 26 3. The hearing scheduled for September 14, 2011 regarding DISH's Motion to Transfer and  
27 Motion to Dismiss, shall remain scheduled for November 16, 2011;

- 1           4.     Each party reserves all rights, arguments and defenses, asserted or unasserted, as of the  
2           date of this Stipulation, and no party shall assert that the passage of time between the  
3           time that this Stipulation was first contemplated and later signed and the expiration or  
4           termination of this Stipulation and [Proposed] Order, if any, but which shall not be  
5           deemed to have occurred earlier than January 20, 2012, will be a defense to any motion  
6           or basis for argument as part of any motion, opposition, or reply, including as a basis for  
7           challenging DISH's Motion to Transfer;
- 8           5.     All formal discovery as well as any other obligations contemplated under the Federal  
9           Rules of Civil Procedure, the Civil Local Rules of this Court, or the Court's Standing  
10          Orders, including initial disclosures under Rule 16 and developing a Rule 26(f) Case  
11          Management Statement and related Discovery Plan, remain stayed until the earlier of (i)  
12          December 5, 2011, or (ii) two weeks before the rescheduled Case Management  
13          Conference, whichever is later;
- 14          6.     On or before November 22, 2011, the parties shall:
- 15           a.     Meet and confer regarding initial disclosures, early settlement, ADR process  
16           selection, and a discovery plan, under F.R.C.P. 26(f) & ADR L.R.3-4 (available at  
17           <http://www.cand.uscourts.gov>),
- 18           b.     File ADR Certification signed by Parties and Counsel, under Civil L.R. 16-8(b)  
19           and ADR L.R. 3-5(b) (available at <http://www.cand.uscourts.gov>), and
- 20           c.     File either a Stipulation to ADR Process or Notice of Need for ADR Phone  
21           Conference, Civil L.R. 16-8(c) & ADR L.R. 3-5(b) & (c) (available at  
22           <http://www.cand.uscourts.gov>);
- 23          7.     On or before December 5, 2011, the parties shall file a Rule 26(f) Report, complete initial  
24          disclosures or state objections in the Rule 26(f) Report, and file a Case Management  
25          Statement per the Court's Standing Order regarding the Contents of Joint Case  
26          Management Statement (available at <http://www.cand.uscourts.gov>); and
- 27          8.     The Case Management Conference scheduled for October 13, 2011, shall be rescheduled  
28          for December 15, 2011, at 2:00 p.m.

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**IT IS SO STIPULATED.**

DATED: September 12, 2011

**GIRARD GIBBS LLP**

By:     /s/ Eric H. Gibbs    

Eric H. Gibbs

Attorneys for Plaintiffs Nansee Parker and Phong Pham

DATED: September 12, 2011

**COBLENTZ, PATCH, DUFFY & BASS LLP**

By:     /s/ Zuzana S. Ikels    

Zuzana S. Ikels

Attorneys for Defendant DISH Network LLC

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED:   9/19/11  

