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UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

NDX Advisors, Inc., NDX Capital  
Management, LLC, NDX Holdings, Inc.,  
NDX Trading, Inc. and St. Croix Capital  
Management, LLC,

Plaintiffs,

v.

ADVISORY FINANCIAL CONSULTANTS,  
INC., and RUTHE P. GOMEZ,

Defendants.

) **Case No: C 11-3234 SBA**  
)  
) **AGREED STIPULATION AND**  
) ~~**PROPOSED ORDER VACATING &**~~  
) **RESETTING RESPONSE, REPLY AND**  
) **HEARING ON MOTION TO COMPEL**  
) **ARBITRATION**  
)  
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)

Whereas, Defendants filed a Motion to Compel Arbitration (“Motion”) on or about August 9, 2012;

Whereas, the Court set the original response and reply dates for August 24 and 31, 2012, respectively;

Whereas, the original hearing date on the Motion was set for September 18, 2012; which falls on the Jewish holiday of Rosh Hashanah.

Plaintiffs’ counsel has a very active calendar with multiple deadlines between August 10, 2012 and August 24, 2012, and Defendants’ counsel has graciously agreed to the foregoing extension;

Now therefore, Plaintiffs and Defendants, by and through their undersigned counsel, hereby STIPULATE AND AGREE and respectfully request the Court to enter an order that the current Motion Response and Reply deadlines be VACATED and reset for August 31 and September 7, 2012, respectively, and that the current Hearing Date be VACATED and reset for October 2, 2012 at 1:00 p.m.

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SO STIPULATED:

Date: August 23, 2012

By: /s/ Andrew S. May  
Andrew May, Esq., Pro Hac Vice  
Attorney for Plaintiffs

Date: August 23, 2012

By: /s/ Christopher Mader  
Christopher Mader, Esq.  
Attorney for Defendants

IT IS SO ORDERED.

Dated: 9/13/12

  
\_\_\_\_\_  
Honorable Sandra Armstrong