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

NDX Advisors, Inc., NDX Capital	)	<b>Case No: C 11-3234 SBA</b>
Management, LLC, NDX Holdings, Inc.,	)	
NDX Trading, Inc. and St. Croix Capital	)	<b>AGREED STIPULATION AND</b>
Management, LLC,	)	<b>[PROPOSED] ORDER AMENDING</b>
	)	<b>BRIEFING SCHEDULE</b>
Plaintiffs,	)	
v.	)	
	)	
ADVISORY FINANCIAL CONSULTANTS,	)	
INC., and RUTHE P. GOMEZ,	)	
	)	
Defendants.	)	

Defendants re-filed a Motion to Compel Arbitration (“Motion”) recently.

Plaintiffs’ counsel recently relocated his office on November 3, 2012; Plaintiffs’ counsel’s wife is set to have surgery on November 7, 2012, which will lead to greater family responsibilities for Mr. May, including caring for his two (2) minor children ages 5 and 3. On November 4, 2012, Mr. May was also involved in an auto accident, and is receiving medical care.

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 briefing schedule, with respect to the Motion, be VACATED.

Response to the Motion is due on or before November 20, 2012 and Reply is due on or before December 11, 2012, as Defendants’ counsel has trials during the weeks of November 27<sup>th</sup> and December 3<sup>rd</sup>. Further that the hearing on the Motion be conducted telephonically on December 18, 2012 at 1:00 p.m.

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SO STIPULATED:

Date: November 8, 2012

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


Date: November 8, 2012

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

IT IS SO ORDERED.

The parties' stipulation is approved, except that the request to conduct the hearing telephonically is denied. The Court, in its discretion, may resolve the motion without oral argument. Fed. R. Civ. P. 78(b); Civ. L.R. 7-1(b). The parties are advised to check the Court's website to determine whether an appearance is required. This Order terminates Docket 78.

Dated: November 13, 2012

  
SAUNDRA BROWN ARMSTRONG  
United States District Judge