

1 William R. Brown, Esq. (IN #26782-48)  
(admitted *Pro Hac Vice*)  
2 Schuckit & Associates, P.C.  
4545 Northwestern Drive  
3 Zionsville, IN 46077  
Telephone: 317-363-2400  
4 Fax: 317-363-2257  
E-Mail: [wbrown@schuckitlaw.com](mailto:wbrown@schuckitlaw.com)

5 *Lead Counsel for Defendant Trans Union, LLC*

6  
7 Michael W. Bien, Esq. (CSB #96891)  
Sumana Cooppan, Esq. (CSB # 267967)  
8 Rosen, Bien & Galvan, LLP  
315 Montgomery Street, Tenth Floor  
9 San Francisco, CA 94104  
Telephone: 415-433-6830  
10 Fax: 415-433-7104  
E-Mail: [mbien@rbg-law.com](mailto:mbien@rbg-law.com)  
11 [scooppan@rbg-law.com](mailto:scooppan@rbg-law.com)

12 *Local Counsel for Defendant Trans Union, LLC*

13  
14 UNITED STATES DISTRICT COURT  
15 NORTHERN DISTRICT OF CALIFORNIA  
16 OAKLAND DIVISION

17 ) CASE NO. 4:11-cv-04519-SBA  
18 JOHN R. BOTTI, III )  
Plaintiff, )  
19 vs. ) JOINT STIPULATION AND  
20 TRANS UNION, LLC, ) [PROPOSED] ORDER TO  
Defendant. ) EXTEND BRIEFING SCHEDULE  
21 ) FOR TRANS UNION, LLC'S  
22 ) MOTION TO DISMISS  
23 ) PLAINTIFF'S COMPLAINT  
24 ) PURSUANT TO RULE 12(b)(6)

23 *Pro se* Plaintiff John R. Botti, III (“Plaintiff”) and Defendant Trans Union, LLC (“Trans  
24 Union”) (collectively, the “Parties”) pursuant to Local Rule 6-2 hereby submit their Joint  
25 Stipulation To Extend Briefing Schedule For Trans Union, LLC’s Motion To Dismiss  
26 Plaintiff’s Complaint Pursuant To Rule 12(b)(6) (the “Stipulation”).  
27  
28

1 In support of the Stipulation, the Parties state:

2 1. On September 12, 2011, pro se Plaintiff filed his Complaint in this action [Doc.  
3 No. 1].

4 2. On September 29, 2011, the Parties filed a Stipulation For Enlargement Of Time  
5 For Trans Union, LLC To Answer Or Otherwise Respond [Doc. No. 8].

6 3. On November 3, 2011, Trans Union filed its Motion To Dismiss Plaintiff's  
7 Complaint Pursuant To Rule 12(b)(6) For Failure To State A Claim Upon Which Relief Can Be  
8 Granted [Doc. No. 20] (the "Motion") and accompanying Memorandum Of Law.

9 4. Plaintiff's Response to the Motion currently is due by November 17, 2011 and  
10 Trans Union's Reply by November 28, 2011.

11 5. Pro se Plaintiff has determined that he will need additional time to respond to the  
12 Motion, in order to fully address the issues raised therein. Trans Union does not object to this  
13 request. The Parties have conferred and agreed to the revised briefing schedule set forth herein.  
14 The dates selected take into account the fact that Plaintiff and Trans Union are receiving service  
15 of filings by United States Mail, since Plaintiff is proceeding pro se.

16 6. Accordingly, the Parties have stipulated to extend Plaintiff's time to respond to  
17 the Motion until December 1, 2011 and Trans Union's time to reply in support of the Motion  
18 until December 15, 2011.

19 7. The hearing on the Motion is set for March 27, 2012 and the Stipulation will not  
20 alter the date of any event or deadline already fixed by Court order or have any other effect on  
21 the schedule for the case.

22 8. The only previous time modification in this case was by stipulation of the parties  
23 to extend Trans Union's time to answer or otherwise respond to Plaintiff's Complaint, as stated  
24 above.

25 9. This Stipulation is not made for the purposes of delay and would not prejudice  
26 any Party.

27  
28

1 THEREFORE, IT IS HEREBY STIPULATED between the Parties that Plaintiff shall  
2 have until December 1, 2011 to file his Response to the Motion and Trans Union shall have  
3 until December 15, 2011 to file its Reply in support of the Motion.

4 SO STIPULATED by:

5 Dated: Nov 11, 2011

By: John R. Botti  
John R. Botti, III  
*Pro Se* Plaintiff

6  
7  
8 Dated: 11/14, 2011

By: [Signature]  
William R. Brown, Esq. (IN #2678-48)  
(admitted *Pro Hac Vice*)  
Schuckit & Associates, P.C.  
4545 Northwestern Drive  
Zionsville, IN 46077  
Telephone: 317-363-2400  
Fax: 317-363-2257  
E-Mail: [wbrown@schuckitlaw.com](mailto:wbrown@schuckitlaw.com)

*Lead Counsel for Defendant Trans Union, LLC*

9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 11/14/11

Sandra B. Armstrong  
UNITED STATES DISTRICT JUDGE

**PROOF OF SERVICE**

I, William R. Brown, declare that I am a resident of the State of Indiana, am over the age of eighteen years and am not a party to the within action. I am employed with Schuckit & Associates, P.C., whose address is 4545 Northwestern Drive, Zionsville, IN 46077. On **November 14, 2011**, I served the following documents:

**JOINT STIPULATION AND [PROPOSED] ORDER TO EXTEND BRIEFING SCHEDULE FOR TRANS UNION, LLC'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT PURSUANT TO RULE 12(b)(6)**

I served the documents on the persons listed below, as follows:

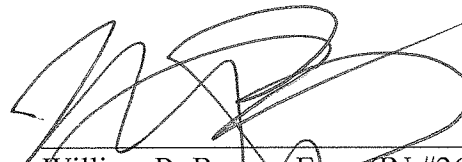
[ ]	<b>By messenger service.</b> I served the documents by placing them in an envelope or package addressed to the persons listed below and providing them to a professional messenger service for service. (A declaration by the messenger is attached hereto as a separate document.)
[ X ]	<b>By United States mail.</b> I enclosed the documents in a sealed envelope or package addressed to the persons listed below and placed the envelope or package for collection and mailing in accordance with our ordinary business practices. I am readily familiar with my firm's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Zionsville, Indiana.

All documents were sent to the following persons in the following manner:

John R. Botti, III  
1163 Capri Drive  
Campbell, CA 95008-6003

I declare under penalty of perjury under the laws of the State of Indiana that the foregoing is true and correct, and that this Proof of Service was executed on this **14th** day of **November, 2011**, at

1 Zionsville, Indiana.  
2



3 William R. Brown, Esq. (IN #2678-48)  
4 (admitted *Pro Hac Vice*)  
5 Schuckit & Associates, P.C.  
6 4545 Northwestern Drive  
7 Zionsville, IN 46077  
8 Telephone: 317-363-2400  
9 Fax: 317-363-2257  
10 E-Mail: [wbrown@schuckitlaw.com](mailto:wbrown@schuckitlaw.com)

11 *Lead Counsel for Defendant Trans Union,*  
12 *LLC*

13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28