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5 Attorneys for Plaintiffs,
 6 AFCM, INC. and FO-FARMER'S OUTLET, INC.

7
 8 **IN THE UNITED STATES DISTRICT COURT**

9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA, SAN JOSE DIVISION**

<p>10 AFCM, INC., a California Corporation; and) FO-FARMER'S OUTLET, INC., a) 11 California Corporation,) 12 Plaintiffs,) 13 v.) 14 ELITE GLOBAL FARMING AND) LOGISTICS, INC., a California) 15 Corporation; RICHARD ESCAMILLA, SR.,) an Individual; JOSE ESCAMILLA, an) 16 Individual; JOHN CREIGHTON, an) Individual; STEPHEN WYRICK, an) 17 Individual; KENT CURLEY, an Individual;) DAVID GATTIS, an Individual; AMBER) 18 RIGOR, an Individual; and RICHARD) ESCAMILLA, JR., an Individual,) 19 Defendants.) 20</p>	<p>CASE NO. CV11-04677 STIPULATION AND PROPOSED ORDER CONTINUING HEARING ON MOTION TO DISMISS</p>
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21 IT IS HEREBY STIPULATED by and between Plaintiffs AFCM, INC. and FO-FARMER'S
 22 OUTLET, INC. (collectively, "Plaintiffs") and Defendants JOHN CREIGHTON, KENT CURLEY and
 23 DAVID GATTIS (collectively, "JMH Defendants"), by and through their counsel of record, that:

24 WHEREAS, the Honorable Wilken granted a stipulated order giving the JMH Defendants until
 25 December 14, 2011 to respond to the Complaint in the instant action in order to allow Plaintiffs and
 26 JMH Defendants to continue with ongoing settlement communications;

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1 WHEREAS, Effie Anastassiou, Attorney for Plaintiffs, filed a Notice of Unavailability of
2 Counsel on December 9, 2011 as ECF No. 46 stating that she would be unavailable from December 17,
3 2011 through December 26, 2011;

4 WHEREAS, the JMH Defendants filed a Motion to Dismiss on December 14, 2011 as ECF No.
5 47;


6 WHEREAS, Plaintiff's Opposition to the Motion to Dismiss is currently due on December 28,
7 2011, JMH Defendants' Reply to Opposition is due on January 4, 2012, and the hearing is schedule for
8 January 14, 2012 before the Honorable Wilken;

9 WHEREAS, Plaintiffs and the JMH Defendants agree to continue the deadlines and the hearing
10 on the Motion to Dismiss;


11 Therefore, IT IS HEREBY STIPULATED that Plaintiffs' Opposition to the Motion to Dismiss
12 will be due on or before January 19, 2012, the JMH Defendants' Reply to the Opposition will be due on
13 or before January 26, 2012 and the hearing on the Motion to Dismiss will take place on February 2,
14 2012; at 2:00 p.m., before the Honorable Wilken in Courtroom 2, 4th Floor, of the above referenced
15 Court.

16 SO STIPULATED.

17 Dated: December 14, 2011

ANASTASSIOU & ASSOCIATES
By: 
Effie F. Anastassiou, Esq.
Attorneys for Plaintiffs,
AFCM, Inc. and FO-Farmer's Outlet, Inc.

21 Dated: December 15, 2011


22 JOHNSON, MONGRIEF & HART, PC
By: 
L. Paul Hart, Esq.
Attorneys for Defendants JOHN CREIGHTON,
KENT CURLEY and DAVID GATTIS

25 **ORDER**

26 Pursuant to Stipulation, IT IS HEREBY ORDERED, that Plaintiff's Opposition to the Motion to
27 Dismiss will be due on or before January 19, 2012, the JMH Defendants' Reply to the Opposition will
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1 be due on or before January 26, 2012 and the hearing on the Motion to Dismiss will take place on
2 February 23, 2012, at 2:00 p.m., before the Honorable Wilken in Courtroom 2, 4th Floor, of the above
3 referenced Court.

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5 Dated: 12/16/2011



Honorable Claudia Wilken
US District Court Judge, Northern District of CA

6 FAAFC\Pleadings\Motion to Dismiss Complaint\Stip to Continue Hearing.wpd
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