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7 Attorneys for Plaintiffs  
MAROUANE OUZIZ and  
8 MOORISH ENTERPRISES, LLC

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**  
11 **(OAKLAND DIVISION)**  
12

13 MAROUANE OUZIZ, an individual;  
14 MOORISH ENTERPRISES, LLC,

15 Plaintiff,

16 vs.

17 ATM OPERATING, INC.; ATM FUND 2016  
LP; ATM FUND 2017 LP; ATM PORTFOLIO  
18 2008 LP; ATM PORTFOLIO TEN LP;  
TALISKER INVESTMENTS LP; ECLIPSE  
19 CASH SYSTEMS, LLC; AND DOES 1  
THROUGH 20, INCLUSIVE,

20 Defendants.  
21

Case No.: 4:12-cv-02378-KAW

Assigned to the Hon. Kandis A. Westmore

**STIPULATION AND ~~PROPOSED~~**  
**ORDER EXTENDING TIME FOR**  
**PARTIES TO FILE AN EARLY MOTION**  
**FOR SUMMARY JUDGMENT OR**  
**PARTIAL SUMMARY JUDGMENT**

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23 Plaintiffs Marouane Ouziz and Moorish Enterprises, LLC (collectively, "Plaintiffs")  
24 and Defendant Eclipse Cash Systems, LLC, ("Defendant") (collectively, the "Parties"), by  
25 and through their respective counsel, stipulate to extend the time for either or both of them to  
26 file an early Motion for Summary Judgment or Partial Summary Judgment, as follows:  
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1 WHEREAS, on January 8, 2013, this Court ordered the Parties to file any early  
2 motion for summary judgment or partial summary judgment by March 1, 2013;

3 WHEREAS, Defendants deposed Plaintiffs on February 1, 2013 for seven hours and  
4 will continue to depose Plaintiffs on February 20, 2013;

5 WHEREAS, Plaintiffs deposed Defendants on February 8, 2013 for seven hours and  
6 have requested a second session to depose Defendants, which may require traveling a second  
7 time to Arizona, and which, due to the schedules of counsel and witnesses, may not be  
8 completed before the end of February;

9  
10 WHEREAS, Plaintiffs therefore will be unable to continue deposition of Defendants  
11 prior to the deadline to file an early motion for summary judgment or partial summary  
12 judgment;

13  
14 WHEREAS, Plaintiffs have propounded written discovery to Defendants and expect  
15 to receive responses only a few days before the March 1, 2013 deadline;

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17 WHEREAS, the Parties had previously stipulated to conducting only limited  
18 discovery prior to the December 17, 2013 Settlement Conference during settlement  
19 discussions;

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21 WHEREAS, Plaintiffs counsel is currently also preparing for a deposition to take  
22 place in Oklahoma tentatively scheduled for the last week of February in an unrelated matter;

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24 WHEREAS, the March 1, 2013 deadline has become untenable for Plaintiffs in light  
25 of the above factors;

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27 THEREFORE, the Parties hereby stipulate to extend the date for the Parties to file an  
28 early motion for summary judgment or partial summary judgment to March 15, 2013.

IT IS SO STIPULATED.

Dated: February 17, 2013

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By:           /s/ Lauren Saint            
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**and MAROUANE OUZIZ**

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By:           /s/ Bradley J. Vornholt            
BRIAN H. GUNN  
BRADLEY J. VORNHOLT  
Attorneys for Defendant  
**ECLIPSE CASH SYSTEMS, LLC**

**ORDER**

IT IS HEREBY ORDERED, pursuant to the stipulation of the parties, and Good Cause therefore, that the deadline for the Parties to file an early motion for summary judgment or partial summary judgment is extended to March 15, 2013.

IT IS SO ORDERED.

Date: 2/22/13

Kandis Westmore  
Kandis A. Westmore  
United States Magistrate Judge