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11 *24 Hour Fitness USA, Inc.*

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

*In re 24 Hour Fitness Prepaid Memberships
Litigation*

CASE NO. 4:16-cv-01668

CONSOLIDATED CASES:

No. 3:16-cv-01668-JSW

No. 3:16-cv-02359-JSW

**STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE
AND ORDER THEREON**

STIPULATION TO CONTINUE CASE
MANAGEMENT CONFERENCE

CASE No. 4:16-CV-01668

1 **WHEREAS**, on April 1, 2016, Plaintiffs Kevin O’Shea, Mark Vitcov, and Rod Morris, filed
2 a complaint in the United States District Court for the Northern District of California, on behalf of
3 themselves and all others similarly situated, Case No. 3:16-cv-01668-EDL;

4 **WHEREAS**, on April 29, 2016, Plaintiff Russell Marchewka filed a complaint in the United
5 States District Court for the Northern District of California, on behalf of himself and all others
6 similarly situated, Case No. 3:16-cv-02359-MEJ. Plaintiffs Russell Marchewka, Kevin O’Shea,
7 Mark Vitcov, and Rod Morris, are hereinafter collectively referred to as “Plaintiffs”;

8 **WHEREAS**, on May 17, 2016, the Court set a case management conference for July 29,
9 2016, and ordered Plaintiffs and Defendant 24 Hour Fitness USA, Inc. (“Defendant”) (collectively,
10 the “Parties”) to file a joint case management conference statement by July 22, 2016 (ECF No. 16);

11 **WHEREAS**, on June 28, 2016, the Court consolidated the above-referenced matters for pre-
12 trial purposes as *In re 24 Hour Fitness Prepaid Memberships Litigation*, Case No. 4:16-cv-01668-
13 JSW, and ordered the Parties to file a stipulation and proposed order regarding the schedule for filing
14 a consolidated complaint (ECF No. 37);

15 **WHEREAS**, on July 1, 2016, the Court ordered Plaintiffs to file a consolidated complaint no
16 later than July 26, 2016 (ECF No. 39);

17 **WHEREAS**, the current deadline to file the Parties’ joint case management statement, July
18 22, 2016, is before the deadline for Plaintiffs to file a consolidated complaint, July 26, 2016;

19 **WHEREAS**, the Parties wish to address issues raised in the forthcoming consolidated
20 complaint before filing a joint case management statement and conducting a case management
21 conference;

22 **WHEREAS**, to provide the Parties an opportunity to meet and confer pursuant to Federal
23 Rule of Civil Procedure 26(f) and file a joint case management statement after having the
24 opportunity to address issues raised in the forthcoming consolidated complaint, and to avoid the
25 unnecessary expenditure of court resources, the Parties have stipulated, subject to Court approval, to
26 a continuance of the case management conference to September 2, 2016, and an extension of the
27 deadline to file the joint case management statement from July 22, 2016, to August 26, 2016.

28 **NOW THEREFORE**, the Parties hereby stipulate, subject to Court approval, that:

1 The case management conference scheduled for July 29, 2016 is continued to September 2,
2 2016, at 11:00 AM;

3 The deadline to file a joint case management statement is extended to August 26, 2016.
4

5 DATED: July 18, 2016

/s/ Elizabeth L. Deeley
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10 DATED: July 18, 2016

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15 DATED: July 18, 2016

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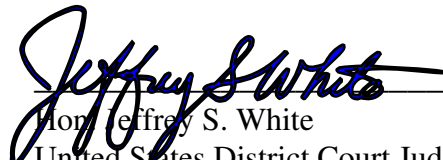
1 **ORDER**

2 Pursuant to the stipulation of the Parties, and for good cause shown, the Court orders as
3 follows:

4 The case management conference scheduled for July 29, 2016 shall be continued to
5 September 2, 2016, at 11:00 AM, and the Parties shall file a joint case management conference
6 statement by August 26, 2016.

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8 **IT IS SO ORDERED**

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11 DATED: July 19, 2016



Hon. Jeffrey S. White
United States District Court Judge