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9 Attorneys for Plaintiff
 10 CHRISTOPHER SELDON

11 * *Defendant's counsel listed after the caption*

12 UNITED STATES DISTRICT COURT
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA

14 CHRISTOPHER SELDON,

15 Plaintiff,

16 v.

17 MARKET PLAZA LLC; DENNY ABRAMS;
 18 RICHARD MILLIKAN; SUR LA TABLE,
 INC.; TACUBAYA, LLC; SARA WILSON
 19 dba PASTA SHOP; ANTHONY WILSON
 dba PASTA SHOP; PETER WILSON dba
 20 PASTA SHOP; and DOES 1-10, Inclusive,

21 Defendants.

Case No. 3:16-cv-02885 KAW

Civil Rights

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME UNDER
 F.R.C.P. RULE 12(F) AS TO
 DEFENDANT SUR LA TABLE, INC.'S
 ANSWER**

Action Filed: May 27, 2016

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27 Attorneys for Defendant
 28 SUR LA TABLE, INC.

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STIPULATION

**TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO ALL PARTIES AND
TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

WHEREAS, this case has been assigned for early disclosures and mediation under General Order 56;

WHEREAS, Plaintiff’s deadline for filing a motion under Federal Rule of Civil Procedure (“FRCP”) Rule 12(f) to strike all or part of the Answer of Defendant SUR LA TABLE, INC. is August 11, 2016;

WHEREAS, Plaintiff and Defendant have met and conferred regarding the alleged deficiencies raised by Plaintiff and which Defendant disputes in Defendant SUR LA TABLE, INC.’s Answer and Affirmative Defenses;

WHEREAS, Plaintiff and Defendant wish to avoid the time and expense of briefing an FRCP 12(f) motion until/unless mediation under General Order 56 does not succeed;

IT IS HEREBY STIPULATED by and among Plaintiff and Defendant that:

1. If the case does not settle at mediation under General Order 56, Plaintiff retains the right to file a motion under FRCP 12(f) as follows:
 - a. the parties shall meet and confer about amending the Answer within 7 days after the mediation has been certified as completed;
 - b. that Defendant shall thereafter be allowed an opportunity to voluntarily amend its Answer prior to Plaintiff filing any Rule 12(f) motion;
 - c. Any amended answer by Defendant shall be filed no later than 21 days after the mediation has been certified and completed; and
 - d. Plaintiff may thereafter file his 12(f) motion no later than 42 days from the time mediation is certified as completed.

IT IS SO STIPULATED.

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Dated: August 11, 2016

THE DERBY LAW FIRM P.C.
LAW OFFICES OF PAUL L. REIN

 /s/ Steven L. Derby
By: STEVEN L. DERBY, ESQ.
Attorneys for Plaintiff
CHRISTOPHER SELDON

Dated: August 11, 2016

K&L GATES LLP

 /s/ Daniel W. Fox
By: DANIEL W. FOX, ESQ.
Attorneys for Defendant
SUR LA TABLE, INC.

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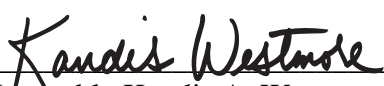
ORDER

Pursuant to the stipulation of the parties, and for good cause shown, it is hereby
ORDERED that:

The parties shall meet and confer within 7 days after the mediator certifies that mediation under General Order 56 has been completed. Defendant SUR LA TABLE, INC. shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any FRCP 12(f) motion. Any amended answer shall be filed no later than 21 days after the mediation has been certified and completed. Plaintiff may thereafter file his motion no later than 42 days from the date mediation is certified and completed.

IT IS SO ORDERED.

Dated: 8/12, 2016



Honorable Kandis A. Westmore
U.S. Magistrate Judge

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FILER'S ATTESTATION

Pursuant to Civil Local Rule 5-1, I hereby attest that on August 11, 2016, I, Steven L. Derby, attorney with The Derby Law Firm, P.C., received the concurrence of Daniel W. Fox in the filing of this document.

/s/ Steven L. Derby
Steven L. Derby