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 8 **UNITED STATES DISTRICT COURT**
 9 **NORTHERN DISTRICT OF CALIFORNIA**
 10 **OAKLAND DIVISION**

LAW OFFICES
SIDEMAN & BANCROFT LLP
 ONE EMBARCADERO CENTER, 22ND FLOOR
 SAN FRANCISCO, CALIFORNIA 94111-3711

12 DONALD NORMAN,
 13 Plaintiff,
 14 v.
 15 INTERSANGO, LLC, et al.,
 16 Defendants.

Case No. 4:16-cv-03587-YGR

**STIPULATION AND ~~PROPOSED~~
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE
 [ECF NO. 30]**

Judge: Honorable Yvonne Gonzalez Rogers
 Dept.: Courtroom 1 – 4th Floor

Complaint Filed: June 26, 2016
 Amended Complaint Filed: October 11, 2016

AS MODIFIED BY THE COURT

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1 IT IS HEREBY STIPULATED, pursuant to Civil Local Rules 6-1, 6-2, and 7-12, and
2 subject to approval by the Court, by and between the undersigned counsel for Plaintiff Donald
3 Norman, Defendant Patrick Strateman, and Nominal Defendant Intersango, LLC (collectively, the
4 “Parties”), as follows:

5 1. The Court set the initial Case Management Conference (“CMC”) in this action for
6 October 3, 2016 (ECF No. 19).

7 2. On September 8, 2016 Defendant Patrick Strateman filed a motion to dismiss
8 Plaintiff’s Complaint (ECF No. 23).

9 3. As a result of the motion hearing date of October 11, 2016 being later than the
10 CMC, the Parties stipulated to a continuance of the CMC, which the Court granted, setting the
11 present date of November 7, 2016 (ECF No. 30).

12 4. The Court granted Defendant Strateman’s motion with leave to amend (ECF No.
13 33). Plaintiff filed his First Amended Complaint (“FAC”) on October 11, 2016 (ECF No. 35).

14 5. On October 25, 2016, Nominal Defendant Intersango, LLC and Defendant Patrick
15 Strateman each filed a motion to dismiss the FAC, which are both currently set for hearing on
16 November 29, 2016, twenty-two days after the CMC is scheduled (ECF Nos. 36, 37). The
17 motions seek dismissal of this action in its entirety pursuant to Fed. R. Civ. P. 12(b)(6), 23.1
18 and/or 9(b) for failure to state a claim as to all causes of action.

19 6. As a result of the November 29, 2016 hearing date for the motions, the CMC on
20 November 7, 2016 would precede the hearing on the motions.

21 7. Pursuant to Civ. L.R. 6-2, the Parties have agreed and hereby respectfully request
22 that the Court continue the date of the CMC to December 19, 2016, or another date at the Court’s
23 discretion after the hearing on the motions, because:

24 a. the matters to be considered at the CMC would be affected by the Court’s
25 determination of the issues of the motions, which are scheduled to be heard twenty-
26 two days after the presently scheduled CMC;

27 b. the matters required to be addressed at the CMC can be more efficiently and
28 effectively determined by counsel and the Court once the Court rules on the issues

1 presented on the motions; and

2 c. the need for a CMC would become moot if the Court fully grants the motions.

3 8. There is one previous time modification in this case, continuing the CMC from
4 October 3, 2016 to November 7, 2016 due to the then-pendency of the motion to dismiss the
5 original Complaint.

6 9. The requested time modification from November 7 to December 19, 2016 for the
7 CMC would reschedule the CMC by 42 days (or such other time period selected by the Court).
8 Deferring the CMC until after the Court's determination of the issues on the motions is in the
9 interest of judicial economy because the time modification will allow the Court to determine if it
10 has federal question subject matter jurisdiction and if the Court should exercise supplemental
11 jurisdiction over the state law claims asserted by Plaintiff. The time modification will also give
12 counsel adequate time following the hearing on the motions to meet and confer on the required
13 subjects to be addressed at the CMC. The continuance would not affect any other scheduled
14 matter in this action to date.

15 **IT IS SO STIPULATED.**

16 Dated: October 27, 2016

/s/ Nathaniel G. Kelly
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21 Dated: October 27, 2016

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1 Dated: October 27, 2016

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8 **Certification of Compliance with N.D. Cal. L.R. 5-1(i)(3)**

9 I, Gilda R. Turitz, hereby certify that pursuant to N.D. Cal. Civil L.R. 5-1(i)(3), I have
10 obtained authorization from the above signatories to file the above-referenced document and that
11 they have concurred in the filing's content.


12 Dated: October 27, 2016

/s/ Gilda R. Turitz

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14 **ORDER**

15 **PURSUANT TO STIPULATION, IT IS SO ORDERED.** The case management
16 conference currently set for November 7, 2016 is continued to Monday, January 9, 2017.

17 Dated: October 31, 2016

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20 Hon. Yvonne Gonzalez Rogers
21 United States District Judge

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