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17 Attorney for Defendant
 18 Defendant Peacock Gap Holdings LLC

19 **UNITED STATES DISTRICT COURT**
 20 **NORTHERN DISTRICT OF CALIFORNIA**

21 ABDUL NEVAREZ and PRISICLLA
 22 NEVAREZ,

23 Plaintiffs,

24 vs.

25 PEACOCK GAP HOLDINGS LLC AND
 26 DOES 1-10, Inclusive

27 Defendants.

No. 4:17-cv-03480-KAW

**STIPULATION AND [PROPOSED]
 ORDER TO EXTEND TIME UNDER
 Fed.R.Civ.P. RULE 12(f)**

STIPULATION

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

1 WHEREAS, plaintiffs’ deadline for filing a motion under Federal Rule of Civil
2 Procedure (“Fed.R.Civ.P.”) 12(f) regarding the Answer by defendant Peacock Gap
3 Holdings LLC is November 24, 2017;
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5 WHEREAS, plaintiffs and defendant wish to avoid the time and expense of
6 briefing Fed.R.Civ.P. 12(f) motions until/unless mediation under General Order 56 does
7 not succeed; and
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9 IT IS HEREBY STIPUALTED by and among the parties that the deadline for
10 plaintiffs to file any motion under Fed.R.Civ.P. 12(f) be extended to 21 days past the
11 date the mediator certifies that mediation under General Order 56 has been completed,
12 or when the Court orders that the parties are no longer under General Order 56,
13 whichever occurs first (hereinafter “triggering event”). It is also stipulated that 1) the
14 parties shall meet and confer within 7 days of the triggering event; 2) defendant shall
15 thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiffs
16 filing any Fed.R.Civ.P. 12(f) motion and 3) that any amended answer shall be filed no
17 later than 7 days after the parties meet and confer.
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21 **IT IS SO STIPULATED.**

22 Dated: November 6, 2017

PEIFFER, ROSCA, WOLF, ABDULLAH, CARR &
KANE

23
24 s/ Catherine Cabalo

By: Catherine Cabalo

Attorney for Plaintiffs

ABDUL NEVAREZ and PRISCILLA NEVAREZ

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1 Dated: November 6, 2017 LAW OFFICE OF JASON G. GONG

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s/ Jason Gong _____
By: Jason Gong
Attorney for Defendant
PEACOCK GAP HOLDINGS LLC

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SIGNATURE ATTESTATION

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Pursuant to Civil L.R. 5-1(i), I hereby attest that concurrence in the filing of this document had been obtained from each of the other signatory whose signature is indicated by a conformed signature (“/s/”) within this e-filed document.

Dated: November 6, 2017


s/ Catherine Cabalo _____
Catherine Cabalo

ORDER

Pursuant to the stipulation of the parties, and for good cause shown, it is hereby ORDERED that the deadline for plaintiffs to file any motion under Fed.R.Civ.P. 12(f) be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed, or when the Court orders that the parties are no longer under General Order 56, whichever occurs first (hereinafter “triggering event”). It is also stipulated that 1) the parties shall meet and confer within 7 days of the triggering event; 2) defendant shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any Fed.R.Civ.P. 12(f) motion and 3) that any amended answer shall be filed no later than 7 days after the parties meet and confer.

IT IS SO ORDERED.

Dated: November 7, 2017


The Honorable Kandis A. Westmore
UNITED STATES MAGISTRATE JUDGE