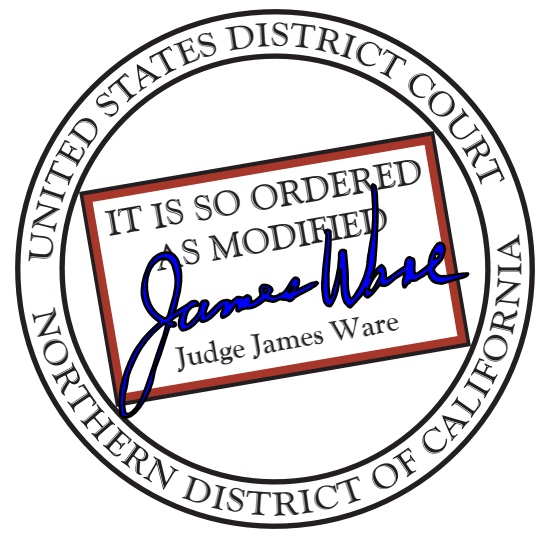


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11 **Attorneys for Defendant**  
 12 DDR Partners, Inc.



13  
 14 **UNITED STATES DISTRICT COURT**  
 15 **NORTHERN DISTRICT OF CALIFORNIA**

17 JUAN GONZALEZ and RICARDO  
 18 MENDOZA, individually, and on behalf  
 of all others similarly situated,  
 19 Plaintiffs,  
 20 v.  
 21 DDR PARTNERS, INC. dba PACIFIC  
 ATHLETIC CLUB and, DOES 1-10,  
 22 Defendants.  
 23

Case No. 5:08-cv-03814-JW

**JOINT STIPULATION AND [PROPOSED]**  
**ORDER TO CONTINUE CASE**  
**MANAGEMENT CONFERENCE**

DATE: December 8, 2008  
 TIME: 10:00 a.m.  
 COURT: 8, 4th Floor

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1 Plaintiffs Juan Gonzalez and Ricardo Mendoza (“Plaintiffs”) and Defendant DDR Partners,  
2 Inc. (“Defendant” or “DDR”) (together as the “Parties”) jointly submit this Stipulation and  
3 [Proposed] Order to continue the date of the Case Management Conference, which is currently set  
4 for December 8, 2008.

5 1. DDR has filed a motion to dismiss or quash based upon insufficient/improper  
6 service pursuant to Federal Rule of Civil Procedure 12(b)(5), which is set to be heard by this Court  
7 on January 12, 2009.

8 2. The Parties agree that, unless and until the issue of service of process is resolved, it  
9 would be premature to address any substantive or procedural issues in this case.

10 3. The Parties have met and conferred in preparation for the Case Management  
11 Conference and filed a Joint Case Management Statement on December 1, 2008. However, the  
12 majority of topics to be addressed in the Case Management Statement and at the Case  
13 Management Conference, including discovery, motion practice, case scheduling and trial setting,  
14 cannot be meaningfully discussed or resolved unless and until the issue of service is resolved.  
15 Conducting the Case Management Conference prior to the hearing on DDR’s motion to dismiss or  
16 quash would be an inefficient use of the Court’s and the Parties’ time and resources and believe it  
17 is in the interests of the Court and the Parties to continue the Case Management Conference.

18 4. In the interests of judicial economy and efficiency, the Parties seek a brief  
19 continuance of the Case Management Conference to a date that is convenient for the Court and is  
20 at least ten (10) days after the January 12, 2009, hearing on DDR’s motion to dismiss or quash.

21 Dated: December 3, 2008

LAW OFFICES OF ADAM WANG

22  
23 /S/

ADAM WANG  
Attorneys for Plaintiffs

24  
25 Dated: December 3, 2008

MORGAN LEWIS & BOCKIUS

26  
27 /S/

ERIC MECKLEY  
Attorneys for Defendant

1 PURSUANT TO STIPULATION, IT IS SO ORDERED as follows:

2 The Court finds good cause to accept the parties' Stipulation with the following  
3 modification. In light of the Court's unavailability, the Court continues the hearing on Defendant's  
4 Motion currently set for January 12, 2009 to **January 16, 2009 at 9 a.m.** The Court VACATES  
5 the Case Management Conference currently set for December 8, 2008. The Court will set a new  
6 case management conference date in its Order addressing Defendant's Motion.  
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8 Dated: December 4, 2008

  
9 JAMES WARE  
10 United States District Judge

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