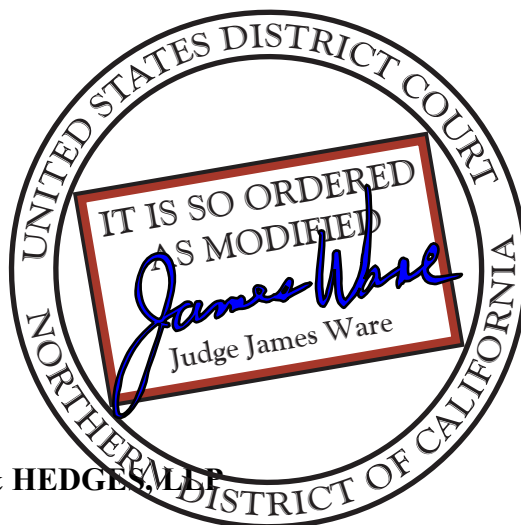


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15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN JOSE DIVISION**

19 KEVIN EMBRY, an individual, on behalf of
 20 himself, the general public and those similarly
 21 situated

22 Plaintiff,

23 v.

24 ACER AMERICA CORPORATION; AND
 DOES 1 THROUGH 50

25 Defendants

CASE NO. CV-09-01808 (JW)

**STIPULATION TO CONTINUE THE
 HEARING ON PLAINTIFF'S MOTION
 TO STRIKE**

27
28

1 TO THE COURT AND ALL PARTIES,

2 WHEREAS Plaintiff Kevin Embry has filed a motion to strike certain affirmative
3 defenses in Defendant Acer America Corporation's answer to Embry's complaint.

4 WHEREAS the parties have been meeting and conferring, and expect to resolve the
5 dispute by stipulating to the filing of an amended answer.

6 WHEREAS the hearing on the motion to strike is set for October 5, 2009.

7 WHEREAS the parties believe that a brief continuance of this hearing date would allow
8 them sufficient time to resolve their dispute, which may render most, if not all, of the motion
9 moot.

10 THE PARTIES HEREBY STIPULATE AND AGREE that the hearing on the motion to
11 strike should be continued to November 16, 2009, which is the next available date on the Court's
12 calendar.

13
14 DATED: September 28, 2009 GUTRIDE SAFIER LLP


15
16 By: /s/ _____
17 Seth A. Safier
18 Attorneys for Plaintiff
19 Kevin Embry

20 DATED: September 28, 2009 QUINN EMANUEL URQUHART OLIVER &
21 HEDGES, LLP

22 By: /s/ _____
23 Jeffery D. McFarland
24 Attorneys for Defendant ACER AMERICA
CORPORATION

25 *** ORDER ***

26 For good cause shown, the Court GRANTS the parties' Stipulation to continue the hearing
27 on Plaintiffs' Motion to Strike Defendant's Affirmative Defenses, modified as follows:
28 The hearing is continued from October 5, 2009 to **November 9, 2009 at 9 a.m.** On or before
October 19, 2009, Defendant shall file its Opposition. On or before **October 26, 2009**,
Plaintiffs shall file their Reply.

Dated: September 29, 2009

JAMES WARE
United States District Judge