

**\*\* E-filed December 14, 2009 \*\***

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13 Attorneys for Defendant ACER AMERICA CORPORATION

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

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**SAN JOSE DIVISION**

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

Plaintiff,

v.

ACER AMERICA CORPORATION; AND DOES 1 THROUGH 50

Defendants

CASE NO. CV-09-01808 (JW) (HRL)

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

Current Hearing Date: December 22, 2009

Requested Hearing Date: January 26, 2010

*Discovery Matter*

1 TO THE COURT AND ALL PARTIES,

2 WHEREAS Plaintiff Kevin Embry has filed a motion to compel further responses to its  
3 discovery requests,

4 WHEREAS the hearing on the motion to strike is set for December 22, 2009,

5 WHEREAS, in light of defense counsel's holiday schedule, the parties wish to continue  
6 the hearing date on the motion,

7 THE PARTIES HEREBY STIPULATE AND AGREE that the hearing on the motion to  
8 compel should be continued to January 26, 2010.

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10 DATED: December 14, 2009

GUTRIDE SAFIER LLP

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By: /s/ \_\_\_\_\_  
Seth A. Safier  
Attorneys for Plaintiff  
Kevin Embry

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DATED: December 14, 2009

QUINN EMANUEL URQUHART OLIVER &  
HEDGES, LLP

By: /s/ \_\_\_\_\_  
Jeffery D. McFarland  
Attorneys for Defendant ACER AMERICA  
CORPORATION

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: December 14, 2009

  
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Honorable Howard R. Lloyd  
United States Magistrate Judge