

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
 A Limited Liability Partnership
 2 Including Professional Corporations
 P. CRAIG CARDON, Cal. Bar No. 168646
 3 ccardon@sheppardmullin.com
 BRIAN BLACKMAN, Cal. Bar No. 196996
 4 bblackman@sheppardmullin.com
 ELIZABETH S. BERMAN, Cal. Bar No. 252377
 5 eberman@sheppardmullin.com
 4 Embarcadero Center, 17th Floor
 6 San Francisco, California 94111-4109
 Telephone: 415.434.9100
 7 Facsimile: 415.434.3947

E-Filed 5/10/2011

8 Attorneys for Defendant
 LUCKY BRAND DUNGAREES, INC.

10 SEAN REIS (SBN 184004)
 sreis@edelson.com
 11 EDELSON MCGUIRE, LLP
 12 30021 Tomas Street, Suite 300
 Rancho Santa Margarita, California 92688
 13 Telephone: (949) 459-2124
 14 Facsimile: (949) 459-2123

15 Attorney for Plaintiff JUVENAL ROBLES

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

19 JUVENAL ROBLES,
 20
 21 Plaintiff,
 22 v.
 23
 24 LUCKY BRAND DUNGAREES, INC.,
 25
 26 Defendant.

Case No. 10-cv-04846 JF (HRL)
**SUBSEQUENT CASE MANAGEMENT
 STATEMENT; STIPULATION AND
~~[PROPOSED]~~ ORDER CONTINUING
 THE CASE MANAGEMENT
 CONFERENCE**

Date: May 13, 2011
 Time: 10:30 a.m.
 Place: Courtroom 3, 5th Floor

The Honorable Jeremy Fogel

1 Plaintiff Juvenal Robles and Defendant Lucky Brand Dungarees, Inc. (“Lucky
2 Brand”), by and through their counsel, respectfully submit the following subsequent joint
3 case management statement and stipulation to continue the case management conference
4 presently set for May 13, 2011:

5 1. Plaintiff filed his Class Action Complaint on October 26, 2010, alleging
6 defendant Lucky Brand violated the Telephone Consumer Protection Act, 47 U.S.C. § 227,
7 by sending an allegedly unsolicited text message to plaintiff's cellular telephone in the
8 summer of 2008. (Dkt. No. 1.)

9 2. Lucky Brand answered the complaint on January 10, 2011, alleging, among
10 other things, various defenses that included issues involving consent, authorization, and
11 other elements of plaintiff's statutory claims. (Dkt. No. 15.)

12 3. On January 21, 2011, the Court held a case scheduling conference and ordered
13 the parties to participate in a settlement conference before Magistrate Judge Lloyd and to
14 return and report the result of that conference to the Court on March 4, 2011. (*See* Dkt. No.
15 18.)

16 4. On February 24, 2011, the Court granted the parties’ Stipulation to continue
17 the March 4, 2011 status hearing until April 15, 2011, so discovery related to third parties
18 potentially involved in the text message promotional campaign at issue in the Complaint
19 could be evaluated and to arrange the attendance of these third parties at the settlement
20 conference. (Dkt. 24.)

21 5. On April 13, 2011, the Court again granted the parties’ Stipulation to continue
22 the case management conference until after the parties completed the settlement conference
23 with Magistrate Judge Lloyd. (Dkt. 31.)

24 6. On April 29, 2011, Plaintiff, Defendant, third parties Lime Public Relations +
25 Promotion, Merkle, Inc., and Take 5 Solutions, LLC, and certain insurers participated in a
26 settlement conference with Judge Lloyd. At the settlement conference, Plaintiff, Defendant,
27 the third parties, and insurers candidly discussed their various positions about the litigation
28 and settlement. During these discussions, it was determined that limited focused discovery

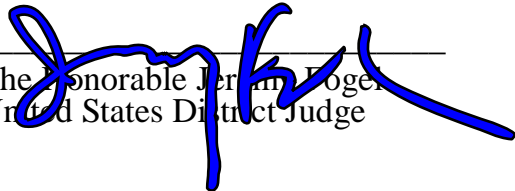
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

Having considered the parties' stipulation and good cause appearing, the Court continues the Case Scheduling Conference to June 24, 2011 at 10:30 a.m.

IT IS SO ORDERED.

Dated: May 10, 2011



The Honorable Jerome Fogel
United States District Judge