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10 11	Facsimile: +1.216.479.8780 Attorneys for Defendant	
11	SEARS, ROEBUCK AND CO.	
12	OTHER PARTIES' COUNSEL SHOWN ON SIGNATURE PAGE	
14	UNITED STATES DISTRICT COURT	
15	NORTHERN DISTRICT OF CALIFORNIA	
16	SAN JOSE DIVISION	
17		
18	KEVIN FAULK, on behalf of himself and all others similarly situated,	Case No. CV 11-02159 JF
19	Plaintiff,	CLASS ACTION
20	VS.	STIPULATED REQUEST FOR ORDER SETTING HEARING ON MOTION TO
21	SEARS, ROEBUCK AND CO.,	DISMISS AND [PROPOSED] ORDER
22	Defendant.	
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20 SQUIRE, SANDERS & DEMPSEY (US) LLP 275 Battery Street, Suite 2600 San Francisco, California 94111		Case No. CV 11-02159 JF

1	Plaintiff Kevin Faulk ("Plaintiff") and Defendant Sears, Roebuck and Co. ("Sears"), by			
1 2	and through their respective counsel, enter into the following Stipulation:			
	WHEREAS, on July 11, 2011, Defendant Sears Roebuck and Co. ("Sears") filed a motion			
3	to dismiss the claims in the Class Action Complaint filed by Plaintiff Kevin Faulk ("Plaintiff")			
4	and set that motion for hearing on Friday, August 26, 2011 at 9:00 a.m. (Dkt. 20);			
5	WHEREAS, on July 17, 2011, Plaintiff filed his First Amended Class Action Complaint			
6 7	(Dkt. 21);			
7	WHEREAS, on July 29, 2011, one of Sears' counsel (Julie Schwartz) contacted Christian			
8	Delaney, Calendar Clerk for Judge Fogel, to determine available hearing dates for its Motion to			
9 10	Dismiss Plaintiff's Amended Class Action Complaint ("Motion to Dismiss"), filed concurrently			
10	herewith;			
11	WHEREAS, Ms. Delaney informed Sears' counsel that Judge Fogel is not setting new			
12	hearing dates but will consider hearing additional matters on dates previously reserved if the			
13	parties so stipulate;			
14	WHEREAS, the hearing on Sears' original motion to dismiss remains on calendar; and			
15	WHEREAS, the parties have agreed to waive the 35-day notice requirement of Civil Local			
16 17	Rule 7-2(a) and to have Sears' Motion to Dismiss heard on Friday, August 26, 2011, the date set			
17	for hearing on Sears' original motion to dismiss.			
18 19	NOW, THEREFORE, the parties hereby stipulate, by and through their undersigned			
19 20	attorneys of record, to an Order of the Court that:			
20 21	1. The hearing on Sears' Motion to Dismiss shall be set for Friday, August 26,			
21 22	2011 at 9:00 a.m. in Courtroom 3 of the San Jose Courthouse of the above-entitled Court;			
22	2. Plaintiff shall file his response to the Motion to Dismiss on or before August 15,			
23 24	2011; and			
	3. Sears shall file its reply on or before August 22, 2011.			
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20 DERS &				
	1 Case No. CV 11-02159 IF			

	IT IS SO STIPULATED.					
1	Dated: August 1, 2011					
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3	MADDO	K HARGETT & CARUSO	SQUIRE, SANDERS & DEMPSEY (US) LLP			
4	_					
5	By:	/s/ Barbara Quinn Smith Barbara Quinn Smith	By: /s/ Mark C. Dosker Mark C. Dosker			
6 7		ohnnycake Ridge Road, Suite 302	275 Battery Street, Suite 2600			
8	Mentor, OH 44060 Telephone: 440-354-4010		San Francisco, CA 94111 Telephone: 415.954.0200			
8 9		nile: 440-848-8175	Facsimile: 415.393.9887			
9 10	Attorn KEVI	eys for Plaintiff N FAULK	Attorneys for Defendant SEARS, ROEBUCK AND CO.			
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11						
12						
13	ATTESTATION					
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15	I hereby attest that I have on file written authorization for any signatures indicated by a					
17	"conformed" signature (/s/) within this e-filed document.					
18			/s/ Mark C. Dosker Mark C. Dosker			
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NDERS &						

1	IT IS SO ORDERED.	
2	Dated: <u>August 11</u> 2011	mhr
3	Duod 2011	United Stat s District Judge
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