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 14 JEREMY SCHNEIDER

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

19 JEREMY SCHNEIDER on behalf of himself
 20 and all others similarly situated,

21 Plaintiff,

22 v.

23 SPACE SYSTEMS/LORAL, INC., a Delaware
 Corporation; and DOES 1 through 100,
 24 inclusive,

25 Defendant.

Case No. CV-11-02489-JF

**STIPULATION AND ~~PROPOSED~~
 ORDER FURTHER AMENDING
 BRIEFING SCHEDULE REGARDING
 DEFENDANT'S MOTION TO
 DISMISS AND MOTION TO STRIKE**

Date Action Filed: May 20, 2011

Date: September 9, 2011
 Time: 9:00 a.m.
 Ctrm.: 3
 Judge: Hon. Jeremy Fogel

STIPULATION AND PROPOSED ORDER FURTHER
 AMENDING BRIEFING SCHEDULE RE MOTION TO
 DISMISS/MOTION TO STRIKE (No. CV-11-02489 JF)

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STIPULATION

WHEREAS, on May 27, 2011, Defendant Space Systems/Loral, Inc. filed a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6) and a motion to strike pursuant to Federal Rule of Civil Procedure 12(f) (the "Motions");

WHEREAS, on June 8, 2011, this case was transferred from the Honorable Lloyd Howard to the docket of this Court, and all matters then scheduled for hearing were vacated;

WHEREAS, the parties then agreed that the hearing date for the Motions would be re-noticed for September 9, 2011;

WHEREAS due to confusion about the impact of the transfer order and the application of newly-revised Local Rule 7-3(a), Plaintiff incorrectly calendared the due date for the oppositions to the Motions under the former Local Rule 7-3(a) (21 days before the noticed hearing date) instead of under the newly-revised rule (14 days after service of the motion);

WHEREAS, the Parties entered into a Stipulation and Proposed Order to a revised briefing schedule for the Motions that (a) July 29, 2011, would be the last day for Plaintiff to file his Opposition to the Motions and (b) August 5, 2011, would be the last day for Defendant to file its Reply;

WHEREAS Plaintiff caused the Stipulation and Proposed Order to be filed with the Court through the ECF system on July 8, 2011; however to date the Court has not yet taken any action on said Stipulation and Proposed Order – either to approve or disapprove the parties' agreement regarding the briefing schedule;

WHEREAS Plaintiff filed his Opposition papers in accordance with the Stipulation and Proposed Order described above;

WHEREAS the parties subsequently agreed to further extend Defendants' briefing period by one week to August 12, 2011;

WHEREAS the modifications to the briefing schedule will not impact the hearing of Defendants' pending Motions, which are scheduled four weeks after the filing of the Reply briefing contemplated under this Stipulation;

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NOW, THEREFORE, the Parties hereby agree and stipulate that the briefing schedule for Defendant's Motion to Dismiss and Motion to Strike be modified, as follows:

1. Plaintiff's Opposition is due no later than July 29, 2011 (and having been filed by that date, is timely); and

2. Defendants' Reply is due no later than August 12, 2011.


Dated: August 3, 2011

LYNNE C. HERMLE
MICHAEL A. APARICIO
Orrick, Herrington & Sutcliffe LLP

By: 
MICHAEL A. APARICIO
Attorneys for Defendant
SPACE SYSTEMS/LORAL, INC.

Dated: August 3, 2011

MARC H. PHELPS
The Phelps Law Group

By: 
MARC H. PHELPS
Attorneys for Plaintiff
JEREMY SCHNEIDER

ORDER

Pursuant to the Parties' Stipulation, IT IS SO ORDERED

Dated: 8/10/11


JEREMY FOGEL
UNITED STATES DISTRICT JUDGE