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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

15 **NANCY ROMINE MINKLER,**
16 Individually and on Behalf of All Others
17 Similarly Situated,

18 Plaintiffs,

19 v.

20 **APPLE INC.,**

21 Defendant.

CASE NO. 5:13-cv-05332-EJD

**STIPULATION AND [PROPOSED] ORDER
REGARDING TIME TO FILE
OPPOSITION TO MOTION TO DISMISS
AND REPLY IN SUPPORT OF MOTION
TO DISMISS**

DATE: JULY 18, 2014

TIME: 9:00 A.M.

COURTROOM: 4

1 **STIPULATION**

2 Plaintiff Nancy Minkler (“Plaintiff”) and defendant Apple Inc. (“Apple”), by and through
3 their respective counsel of record, hereby stipulate, subject to the approval of the Court, to
4 enlarge the briefing deadlines pertaining to Apple’s Motion to Dismiss pursuant to Local Rule 6-
5 2. This Stipulation is made with reference to the following facts:

6 WHEREAS Apple’s Motion to Dismiss was filed on March 3, 2014 and is set for hearing
7 on July 18, 2014 (which was the first date available on the Court’s calendar);

8 WHEREAS Plaintiff’s opposition papers were due on March 17, 2014, but through an
9 inadvertent clerical error in calendaring, Plaintiff did not file her opposition papers on that date,
10 and the opposition still has not yet been filed;

11 WHEREAS Apple does not oppose relief for Plaintiff from the failure to timely file her
12 opposition to the Motion to Dismiss and agrees with the extended briefing schedule proposed in
13 this Stipulation;

14 WHEREAS the extended briefing schedule proposed herein should not interfere with the
15 presently scheduled July 18, 2014 hearing date and should not impinge on the Court’s time to
16 prepare for that hearing;

17 WHEREAS, due to scheduling conflicts in other cases and personal commitments,
18 Plaintiff’s counsel is not reasonably able to file Plaintiff’s opposition to the Motion to Dismiss
19 before April 3, 2014;

20 WHEREAS the parties’ request a brief enlargement of time to submit the Response and
21 Reply briefs to April 3rd and April 30th, respectively;

22 WHEREAS the parties have agreed to one prior time modification in this case, extending
23 defendant Apple Inc.’s time to file its response to the Complaint [D.E. No. 23]; and

24 WHEREAS in consideration of the July 18, 2014 hearing date, the parties do not believe
25 this time modification will have any effect on the schedule of the case.

26 IT IS HEREBY STIPULATED, subject to the approval of the Court, that Plaintiff’s date
27 to file her opposition to Apple’s Motion to Dismiss is extended to and including April 3, 2014,
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and Apple 's date to file its reply brief in support of its Motion to Dismiss is extended to and including April 30, 2014.

Dated: March 25, 2014

STEWART & STEWART, P.C.

By: /s/ Joseph Paul Lynn
JOSEPH PAUL LYNN
Counsel for Plaintiff Nancy Romine Minkler

Dated: March 25, 2014

DLA PIPER LLP (US)

By: /s/ Joseph Collins
JOSEPH COLLINS
Counsel for Defendant Apple Inc.

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ATTESTATION OF CONCURRENCE IN FILING

Pursuant to Local Rule 5-1(i)(3), the filer hereby attests that concurrence in the filing of this document has been obtained from JOSEPH COLLINS, which shall serve in lieu of his signature on the document.

Dated: March 25, 2014

STEWART & STEWART, P.C.

By: /s/ Joseph Paul Lynn
JOSEPH PAUL LYNN
Counsel for Plaintiff Nancy Romine Minkler

1 **[PROPOSED] ORDER**

2 Based on the foregoing Stipulation of plaintiff Nancy Minkler and defendant Apple Inc.,
3 and good cause appearing therefor, **IT IS HEREBY ORDERED** that:

- 4 **1.** Plaintiff Nancy Minkler’s date to file her opposition to defendant Apple Inc.’s Motion to
5 Dismiss is extended to and including April 3, 2014.
- 6 **2.** Defendant Apple Inc.’s date to file its reply brief in support of its Motion to Dismiss is
7 extended to and including April 30, 2014.

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9 Dated: _____, 2014.

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11 _____
12 Honorable Edward J. Davila
13 United States District Judge

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