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6 Attorneys for Plaintiff
7 GERARDO HERNANDEZ

8 * *Defendant's counsel listed after the caption*

10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 GERARDO HERNANDEZ

14 Plaintiff,

15 v.

17 ROSS STORES, INC.; MACHADO
18 SAN ANTONIO PARTNERS, LLC;
19 MGP REIT IX, LLC and DOES 1-10,
inclusive,

20 Defendants.

Case No. C13-05956 LHK

Civil Rights

**STIPULATION AND
[PROPOSED] ORDER TO
EXTEND TIME UNDER F.R.C.P.
RULE 12(F)**

Action Filed: December 26, 2013

20 GLASER WEIL FINK HOWARD
21 AVCHEN & SHAPIRO, LLP
22 PETER C. SHERIDAN, ESQ. (State Bar No. 137267)
23 JAMES T. GRANT, ESQ. (State Bar No. 155831)
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25 Attorneys for Defendant MGP IX REIT, LLC,
26 erroneously sued as MGP REIT IX, LLC
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28 STIPULATION AND [PROPOSED] ORDER
TO EXTEND TIME UNDER FRCP 12(f)

Case No. C13-5956 LHK

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STIPULATION

TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO ALL PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:

WHEREAS, this case has been assigned for early disclosures and mediation under General Order 56;

WHEREAS, plaintiff's deadline for filing a motion under Federal Rule of Civil Procedure ("FRCP") Rule 12(f) regarding defendant MGP IX REIT, LLC (erroneously sued as "MGP REIT IX, LLC") Answer is August 20, 2014;

WHEREAS, plaintiff and defendant MGP IX REIT, LLC wish to avoid the time and expense of briefing an FRCP 12(f) motion until/unless mediation under General Order 56 does not succeed;

WHEREAS, plaintiff and defendant MGP IX REIT, LLC presently disagree about the propriety of an FRCP 12(f) motion;

IT IS HEREBY STIPULATED by and among plaintiff and defendant MGP IX REIT, LLC that the deadline for plaintiff to file any motion under FRCP 12(f) be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed. It is also stipulated that 1) the parties shall meet and confer within 7 days after the mediation has been certified as completed; 2) that defendant MGP IX REIT, LLC shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any rule 12(f) motion; and 3) that any amended answer shall be filed no later than 7 days after the parties meet and confer.

IT IS SO STIPULATED.

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1 Dated: August 18, 2014

LAW OFFICES OF PAUL L. REIN

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/s/ Catherine Cabalo

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By: CATHERINE CABALO, ESQ.

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Attorneys for Plaintiff GERARDO HERNANDEZ

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7 Dated: August 18, 2014

GLASER WEIL FINK HOWARD
AVCHEN & SHAPIRO, LLP

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/s/ James Grant

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By: JAMES GRANT, ESQ.

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Attorneys for Defendant MGP IX REIT, LLC,
erroneously sued as MGP REIT IX, LLC

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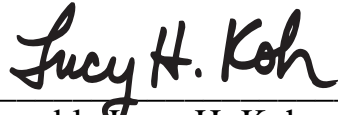
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ORDER

Pursuant to the stipulation of plaintiff and defendant MGP IX REIT, LLC, and for good cause shown, it is hereby ORDERED that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) against defendant MGP IX REIT, LLC be extended to 21 days past the date the mediator certifies that mediation under General Order 56 has been completed. The parties shall meet and confer within 7 days after the mediation has been certified as completed. Defendant MGP IX REIT, LLC shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any FRCP 12(f) motion. Any amended answer shall be filed no later than 7 days after the parties meet and confer.

IT IS SO ORDERED.

Dated: _ August 19, 2014



Honorable Lucy H. Koh
United States District Judge

FILER'S ATTESTATION

Pursuant to General Order 45, section X(B), I hereby attest that on August 18, 2014, I, Catherine Cabalo, attorney with The Law Office of Paul L. Rein, received the concurrence of James Grant in the filing of this document.

/s/ Catherine Cabalo
Catherine Cabalo