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 7 CITIBANK, N.A., DEPARTMENT STORES NATIONAL
 8 BANK, and FDS BANK

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 SCOTT F. SAVAGE,
 13 Plaintiff,
 14 vs.
 15 CITIBANK, N.A., DEPARTMENT STORES
 16 NATIONAL BANK, FDS BANK,
 17 Defendants.

Case No.: 5:14-CV-03633 BLF

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING BRIEFING
 SCHEDULE ON DEFENDANTS'
 MOTION TO COMPEL
 ARBITRATION AND TO STAY
 ACTION**

Judge: Hon. Beth Labson Freeman
 Complaint Filed: August 11, 2014

20 Pursuant to Civil Local Rules 6-1(b) and 6-2, Plaintiff SCOTT F. SAVAGE ("Plaintiff")
 21 and Defendants CITIBANK, N.A. ("Citibank"), DEPARTMENT STORES NATIONAL BANK
 22 ("DSNB"), and FDS Bank ("FDS") ("Defendants")(collectively, the "Parties") through their
 23 respective counsel, hereby stipulate as follows:

24 WHEREAS on September 25, 2014, Defendants filed a Motion to Compel Arbitration
 25 and to Stay Action with hearing originally set for November 4, 2014 before Magistrate Judge
 26 Howard R. Lloyd;

27 WHEREAS on September 30, 2014, Plaintiff filed a Declination to Magistrate Judge
 28 Jurisdiction;

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1 WHEREAS on September 30, 2014, the Court issued an Order reassigning this matter to
2 the Honorable Beth Labson Freeman and instructing that all motions be re-noticed for hearing
3 before Judge Freeman [Dkt No. 18];

4 WHEREAS, pursuant to Judge Freeman's Standing Order Re: Civil Cases, Defendants
5 contacted the Court to request a December 18, 2014 hearing date for Defendants' Motion to
6 Compel Arbitration and to Stay Action on Judge Freeman's Civil Law and Motion Calendar;

7 WHEREAS, Defendants were advised by Judge Freeman's Calendar Clerk that the
8 earliest possible hearing date on Judge Freeman's calendar was February 5, 2015;

9 WHEREAS, on October 31, 2014 Defendants received confirmation from the Court that
10 February 5, 2015 would be reserved for the hearing on Defendants' Motion;

11 WHEREAS counsel for the Parties have met and conferred regarding a briefing schedule
12 on Defendants' Motion to Compel Arbitration and Stay Action;

13 WHEREFORE, IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES
14 AS FOLLOWS:

15 Pursuant to Judge Freeman's Standing Order Re Civil Cases, Defendants shall re-file and
16 serve their Motion to Compel Arbitration and Stay Action on or before November 14, 2014;

17 Plaintiff shall file and serve his Opposition to Defendants' Motion to Compel Arbitration
18 and to Stay Action on or before December 4, 2014;

19 Defendants shall file and serve their Reply to Plaintiff's Opposition to Defendants'
20 Motion to Compel Arbitration and to Stay Action on or before December 17, 2014; and

21 Defendants' Motion to Compel Arbitration shall be heard on Thursday, February 5, 2015
22 at 9:00 a.m. before the Hon. Beth Labson Freeman in Courtroom 3, 5th Floor.

23 **IT IS SO STIPULATED.**

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DATED: November 11, 2014

/s/ Ronald Wilcox
RONALD WILCOX
Attorney for Plaintiff SCOTT F. SAVAGE

1 DATED: November 11, 2014

LAFAYETTE & KUMAGAI LLP

2
3 /s/ April P. Santos
4 APRIL P. SANTOS
5 Attorneys for Defendants
6 CITIBANK, N.A., DEPARTMENT STORES
7 NATIONAL BANK, and FDS BANK

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11 **SIGNATURE ATTESTATION**

12 I hereby attest that I have obtained the concurrence of Ronald Wilcox, counsel for
13 Plaintiff, for the filing of this stipulation.

14 /s/April P. Santos
15 APRIL P. SANTOS

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18 **ORDER**

19 THE COURT, having considered the Stipulation of the Parties and good cause appearing,
20 orders as follows:

21 1. Pursuant to Judge Freeman's Standing Order Re Civil Cases, Defendants shall re-
22 file and serve their Motion to Compel Arbitration and Stay Action on or before **November 14,**
23 **2014** with a noticed hearing date of **February 5, 2015;**¹

24 2. Plaintiff shall file and serve his Opposition to Defendants' Motion to Compel
25 Arbitration and to Stay Action on or before **December 4, 2014;**

26 2. Defendants shall file and serve their Reply to Plaintiff's Opposition to
27 Defendants' Motion to Compel Arbitration and to Stay Action on or before **December 17, 2014;**
28 and

29 3. The hearing on Defendants' Motion to Compel Arbitration is set for Thursday,
30 **February 5, 2015** at 9:00 a.m. before the Hon. Beth Labson Freeman in Courtroom 3, 5th Floor.

31 **IT IS SO ORDERED.**

32 DATED: November 13, 2014

33 
34 HON. BETH LABSON FREEMAN

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38 ¹ Defendant's present Motion to Compel Arbitration, ECF 12, is hereby withdrawn.