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 12 Davin Montoya

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

16 DAVIN MONTOYA,

17 Plaintiff,

18 vs.

19 COMCAST CORPORATION,

20 Defendant.

) Case No. 5:15-cv-02026-NC

) Assigned for All Purposes To:
) Magistrate Judge Nathanael Cousins

) **STIPULATION TO EXTEND TIME TO**
) **ANSWER COMPLAINT; STIPULATED**
) **REQUEST TO CONTINUE AUGUST 5,**
) **2015 STATUS CONFERENCE TO**
) **AUGUST 19, 2015; DECLARATION OF**
) **TERESA W. GHALI; [PROPOSED]**
) **ORDER**

STIPULATION TO CONTINUE CASE
 MANAGEMENT CONFERENCE; [PROPOSED]
 ORDER

1 Pursuant to Northern District of California Local Rule 6-1 (a), Plaintiff Davin Montoya
2 (“Plaintiff”) and Defendant Comcast Corporation (“Defendant”), through their undersigned
3 counsel, hereby agree and stipulate that Defendant shall have an extension of time until July 10,
4 2015 to file its Answer to Plaintiff’s Complaint, which was filed with this Court on May 5, 2015.
5 The parties have been engaged in negotiations to resolve this matter, but as these attempts were not
6 successful, the parties have now agreed that Defendant may respond to Plaintiff’s complaint on
7 July 10, 2015.

8 The parties also stipulate and consent to the jurisdiction of Magistrate Judge Nathanael
9 Cousins for all purposes in this case.

10 Additionally, pursuant to Northern District of California Local Rule 6-2, the parties
11 stipulate and request an order rescheduling the Initial Case Management Conference in this matter,
12 currently scheduled for August 5, 2015, to August 19, 2015 (or in the alternative, August 12 or
13 August 26, 2015). The parties request this enlargement of time because Plaintiff’s counsel, Alan
14 Adelman, and lead defense counsel, Mark S. Spring, are unavailable to appear on August 5, 2015.
15 Mr. Adelman will be on a backpacking trip in the Sierra Nevada Mountains, and Mark S. Spring is
16 on a prepaid vacation the week of August 2 due to his sister’s wedding. Declaration of Teresa W.
17 Ghali ¶ 2. The stipulation to extend time to respond to the Complaint and stipulated request to
18 reschedule the Initial CMC are the first requests for time modification in this case; these extensions
19 will not affect the parties’ ability to proceed with this litigation in a timely fashion. *Id.*

20 **IT IS SO STIPULATED.**

21 Dated: June 26, 2015

CAROTHERS DISANTE & FREUDENBERGER LLP

22 By: /s/ Teresa W. Ghali

Teresa W. Ghali

23 Attorneys for Defendant
24 COMCAST CORPORATION

25 Dated: June 26, 2015

Law Offices of Alan Adelman

26 By: /s/ Alan Adelman

Alan Adelman

27 Attorney for Plaintiff
28 DAVIN MONTOYA

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DECLARATION OF TERESA W. GHALI

1. I am an attorney at law duly licensed to practice before all of the courts in the State of California. I am an associate with the law firm of Carothers DiSante & Freudenberger LLP (“CDF”), counsel of record for Comcast Corporation (“Defendant” or “Comcast”) in this action. I have personal knowledge of the facts set forth in this Declaration and, if called as a witness, could and would testify competently to such facts under oath.

2. The parties request that the Initial Case Management Conference in this matter, currently scheduled for August 5, 2015, be moved to August 19, 2015, or in the alternative, August 12 or August 26, 2015. The parties seek this enlargement of time because Plaintiff’s counsel and lead defense counsel, Mark S. Spring, are unavailable to appear on August 5, 2015. Mr. Adelman has informed our firm that he will be on a backpacking trip in the Sierra Nevada Mountains during that week. Mr. Spring is lead trial counsel and he has informed me that he is on vacation from late July through August 8, in New York, as his sister is getting married during this time in New York.

3. The stipulation to extend time to respond to the Complaint and stipulated request to reschedule the Initial CMC are the first requests for time modification in this case; these extensions will not affect the parties’ ability to proceed with this litigation in a timely fashion. *Id.*

4. Per Northern District Local Rule 5-1(i)(3), I attest that I have obtained authorization from Plaintiff’s counsel, Alan Adelman, to file this Stipulation on his behalf.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on this 26th day of June, 2015, at San Francisco, California.

/s/ Teresa W. Ghali

Teresa W. Ghali

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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

The Initial Case Management Conference in this action shall take place on August 19, 2015.

Joint case management statement due August 12, 2015.

