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13 Attorneys for Defendant LAMPS PLUS, INC.

14
15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 FOR THE COUNTY OF LOS ANGELES

17 LAMPS PLUS CREDIT TRANSACTION
18 CASES

Judicial Council Coordination Proceeding
No. 4532
Assigned to: TBD

19
20 **STIPULATION OF THE PARTIES RE
COORDINATION OF ADD-ON CASE;
21 [PROPOSED] ORDER THEREON**

22 **CASE TO BE ADDED:**
Folgelstrom v. Lamps Plus, Inc. (San
23 Diego County Superior Court Case No. 37-
2008-00087512-CU-BT-CTI), Complaint
24 filed on July 11, 2008

25 Coordinated actions:
Finch v. Lamps Plus, Inc.

26 Superior Court of California, County of
San Diego, No. GIC 875385, Complaint
27 filed on November 9, 2006

28 *Taylor v. Lamps Plus, Inc. et al.*

Superior Court of California, County of
Los Angeles, No. BC 364 417, Complaint
filed on January 8, 2007

1 This stipulation is entered into between plaintiffs Vincent Finch, Cass Taylor
2 and James Folgelstrom, on the one hand, and defendant Lamps Plus, Inc., on the other
3 hand, by and through their undersigned attorneys of record with respect to the following
4 facts:

5
6 WHEREAS, on February 14, 2008, Lamps Plus filed a petition for
7 coordination with the Judicial Council seeking the coordination of *Finch v. Lamps Plus,*
8 *Inc.*, Case No. GIC 875385, pending in San Diego Superior Court (the "*Finch* action") and
9 *Taylor v. Lamps Plus, Inc.*, et al., Case No. BC 364417, pending in Los Angeles Superior
10 Court (the "*Taylor* action"), and on the same day filed an ex parte application for a stay
11 order.

12
13 WHEREAS, on March 25, 2008, the Chair of the Judicial Council entered an
14 Order assigning the Presiding Judge of the San Diego Superior Court to serve as the
15 Coordination Motion Judge.

16
17 WHEREAS, on May 9, 2008, the Presiding Judge of the San Diego Superior
18 Court entered an Order assigning Judge William R. Nevitt, Jr. to serve as Coordination
19 Motion Judge.

20
21 WHEREAS, on May 14, 2008, the Coordination Motion Judge entered an
22 Order staying the *Finch* and *Taylor* actions.

23
24 WHEREAS, on June 13, 2008, the Coordination Motion Judge entered an
25 Order granting Lamps Plus's petition for coordination, recommending Los Angeles County
26 Superior Court as the site for the coordinated proceedings, selecting the Second District
27 Court of Appeal as the reviewing court for any appeals, and staying the *Finch* and *Taylor*
28 actions pending further order of the Coordination Trial Judge.

1 WHEREAS, on July 11, 2008, plaintiff James Folgelstrom filed a Complaint
2 against Lamps Plus, Inc. styled as Folgelstrom v. Lamps Plus, Inc., San Diego County
3 Superior Court Case No. 37-2008-00087512-CU-BT-CTI (filed July 11, 2008 and assigned
4 for all purposes to the Honorable Steven R. Denton) (the "*Folgelstrom* action").
5

6 WHEREAS, on July 22, 2008, the Chair of the Judicial Council entered an
7 Order assigning the Presiding Judge of the Los Angeles Superior Court as the
8 Coordination Trial Judge.
9

10 WHEREAS, on July 25, 2008, the Presiding Judge of the Los Angeles
11 Superior Court assigned Judge Ernest Hiroshige to serve as Coordination Trial Judge,
12 pursuant to Code of Civil Procedure § 404.3 and Rule of Court 3.540.
13

14 WHEREAS, on July 31, 2008 plaintiff Finch filed a preemptory challenge to
15 the assignment of Judge Hiroshige as Coordination Trial Judge.
16

17 WHEREAS, on August 8, 2008, Judge Hiroshige entered an Order granting
18 plaintiff Finch's preemptory challenge.
19

20 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by
21 and between Lamps Plus, on the one hand, and plaintiffs Finch, Taylor, and Folgelstrom,
22 on the other hand, through their undersigned respective counsel, that:
23

24 1. The "*Folgelstrom* action shares common questions of fact and law
25 with the *Finch* and *Taylor* actions, within the meaning of Code of Civil Procedure §§ 404
26 and 404.1. The coordinated actions and the *Folgelstrom* action involve the same
27 defendant, substantially the same purported class of allegedly aggrieved customers,
28

1 substantially the same allegations, and substantially the same legal issues under the Song-
2 Beverly Act.

3

4 2. The addition of the *Folgelstrom* action in the coordinated proceedings
5 will promote the ends of justice under Code of Civil Procedure § 404.1.

6

7 3. The *Folgelstrom* action is an "add-on" case that should be included in
8 the coordinated proceedings, pursuant to California Rule of Court 3.544.

9

10 4. In light of this stipulation seeking the coordination of the *Folgelstrom*
11 action into the Lamps Plus Credit Transaction Cases, Lamps Plus shall have a 60 day
12 extension of time to respond to the Complaint in *Folgelstrom*, subject to further order of
13 the Court.

14

SO STIPULATED.

15

16 DATED: ~~August~~ ^{September 8,} 2008

17

RINGLER KEARNEY ALVAREZ LLP

18

19

By



PAUL ALVAREZ
Attorneys for Plaintiff
CASS A. TAYLOR

20

21

22 Dated: August ²⁸ 2008

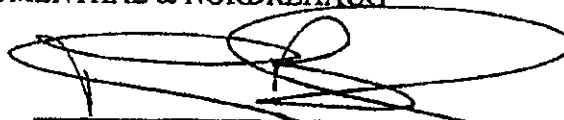
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BLUMENTHAL & NORDREHAUG

24

25

By



NORMAN B. BLUMENTHAL
Attorneys for Plaintiff
VINCENT FINCH

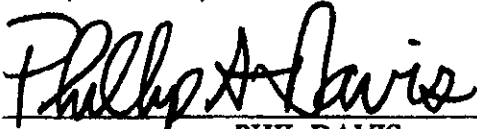
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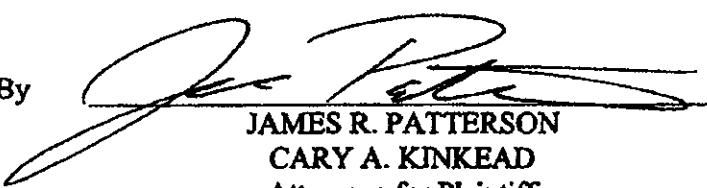
1 Dated: August 27, 2008

2 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

3
4 By 
5 PHIL DAVIS
6 Attorneys for Defendant
7 LAMPS PLUS, INC.

8 Dated: August 26, 2008

9 HARRISON PATTERSON & O'CONNOR LLP

10
11 By 
12 JAMES R. PATTERSON
13 CARY A. KINKEAD
14 Attorneys for Plaintiff
15 JAMES C. FOLGELSTROM

16 **ORDER**

17 Pursuant to stipulation of the parties, and good cause appearing therefor, IT
18 **IS HEREBY ORDERED** that, pursuant to Rule of Court 3.544 Fogelstrom v. Lamps
19 Plus, Inc., San Diego County Superior Court Case No. 37-2008-00087512-CU-BT-CTI is
20 hereby coordinated with, and included in, the Lamps Plus Credit Transaction Cases,
21 Judicial Council Coordination Proceeding No. 4532.

22 **IT IS FURTHER ORDERED THAT** defendant Lamps Plus, Inc. shall
23 have a 60 day extension of time to respond to the *Fogelstrom* Complaint, subject to
24 further order by the Court.

25 **IT IS SO ORDERED.**

26
27 Dated: _____

JUDGE OF THE SUPERIOR COURT

1 FINCH v. LAMPS PLUS, INC., San Diego Superior Court Case No. GIC 875385; JCCP No. 4532
2 FOGELSTROM v. LAMPS PLUS, INC., San Diego Superior Court Case No. 37-2008-00087512-CU-BT-CTL
3 TAYLOR v. LAMPS PLUS, INC., Los Angeles Superior Court Cse No. BC 364417

4 PROOF OF SERVICE

5 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

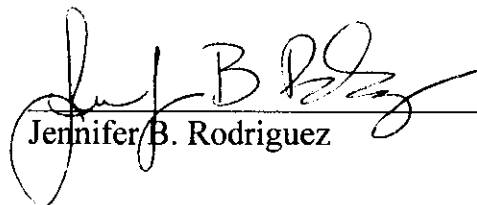
6 I am employed in the County of Los Angeles; I am over the age of eighteen
7 years and not a party to the within entitled action; my business address is 333 South Hope
8 Street, 48th Floor, Los Angeles, California 90071-1448.

9 On **September 11, 2008**, I served the following document(s) described as
10 **STIPULATION OF THE PARTIES RE COORDINATION OF ADD-ON CASE;**
11 **[PROPOSED] ORDER THEREON** on the interested party(ies) in this action by placing
12 true copies thereof enclosed in sealed envelopes and/or packages addressed as follows:

13 ***SEE ATTACHED SERVICE LIST***

- 14 **BY MAIL:** I am "readily familiar" with the firm's practice of collection and
15 processing correspondence for mailing. Under that practice it would be deposited
16 with the U.S. postal service on that same day with postage thereon fully prepaid at
17 Los Angeles, California in the ordinary course of business. I am aware that on
18 motion of the party served, service is presumed invalid if postal cancellation date or
19 postage meter date is more than one day after date of deposit for mailing in
20 affidavit.
- 21 **BY FACSIMILE:** I served said document(s) to be transmitted by facsimile
22 pursuant to Rule 2.306 of the California Rules of Court. The telephone number of
23 the sending facsimile machine was [office fax number]. The name(s) and facsimile
24 machine telephone number(s) of the person(s) served are set forth in the service list.
25 The sending facsimile machine (or the machine used to forward the facsimile)
26 issued a transmission report confirming that the transmission was complete and
27 without error. Pursuant to Rule 2.306(g)(4), a copy of that report is attached to this
28 declaration.
- BY HAND DELIVERY:** I caused such envelope(s) to be delivered by hand to the
office of the addressee(s).
- BY OVERNIGHT DELIVERY (FEDERAL EXPRESS):** I served such
envelope or package to be delivered on the same day to an authorized courier or
driver authorized by the overnight service carrier to receive documents, in an
envelope or package designated by the overnight service carrier.
- STATE:** I declare under penalty of perjury under the laws of the State of
California that the foregoing is true and correct.

Executed on **September 11, 2008**, at Los Angeles, California.


Jennifer B. Rodriguez

SERVICE LIST

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(Via U.S. Mail)

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Administrative Office of the Courts
Attn: Appellate & Trial Court Judicial
Services
(Civil Case Coordination)
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San Francisco, CA 94102-3688

(courtesy copy via U.S. Mail)

Presiding Judge of the Superior Court of
California, County of Los Angeles
111 North Hill Street
Los Angeles, CA 90012

(courtesy copy via U.S. Mail)