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Attorneys for Defendant DANDEE TRANSPORTATION

10 UNITED STATES DISTRICT COURT
 11 EASTERN DISTRICT OF CALIFORNIA

12 FRANK LOPEZ and DAVID PALMER,
 13 individually and on behalf of all others
 14 similarly situated,
 15 Plaintiffs,

vs.

16 DANDEE TRANSPORTATION and DOES 1
 17 to 100,
 18 Defendants.

Case No. 1:08-CV-00500-LJO-SMS
 (consolidated for all pre-trial discovery with
 Case No. 1:08-cv-0990 LJO-SMS)

STIPULATION TO ESTABLISH REVISED
 CLASS CERTIFICATION DISCOVERY AND
 CLASS CERTIFICATION MOTION
 BRIEFING DATES; ORDER THEREON.

18 JOSE CAMARENA, on his own and on
 19 behalf of a class of similarly situated persons
 20 pursuant to and on behalf of the General
 21 Public,

Plaintiffs,

vs.

22 DANDEE TRANSPORTATION, a California
 23 corporation,

Defendant.



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RECITALS

WHEREAS, this court modified the original Preliminary Scheduling Order in this matter on December 18, 2008 and established new deadlines for the plaintiffs’ pending class certification motion (Doc. 35).

WHEREAS, the parties have complied with that revised schedule and have completed most, but not all discovery related to class certification.

WHEREAS, the parties have concluded that it would be more fruitful at this time to explore settlement rather than to expend further resources on continued litigation, including the upcoming class certification motion.

WHEREAS, the parties have agreed to engage in private ADR with a mediator. and

WHEREAS, the Parties have met and conferred to propose new class certification discovery and class certification motion dates which will extend the current deadlines by approximately ninety (90) days.

STIPULATION

NOW, THEREFORE, the Parties jointly propose that the current schedule for class certification discovery and the briefing and hearing on Plaintiffs’ class certification motion be revised as follows:

- Discovery cutoff for class certification motion - May 18, 2009
- Last day to file/serve class certification motion - June 8, 2009
- Last day to file/serve opposition to class certification motion - June 22, 2009
- Last day to file/serve reply to opposition to class certification motion – June 29, 2009
- Last day for Court Hearing on class certification motion – On or about July 6, 2009,

subject to the Court’s availability.

The parties also request that the scheduled hearing for February 6, 2009 on plaintiffs’ discovery motion be vacated.

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SO STIPULATED.

Dated: January 30, 2009

DOWLING, AARON & KEELER, INC.

By: /s/Jeffrey P. Davis
JEFFREY P. DAVIS
MARK D. KRUTHERS
Attorneys for Defendant DANDEE
TRANSPORTATION

Dated: January 30, 2009

LAW OFFICE OF JERRY BUDIN

By: /s/Jerry N. Budin
JERRY N. BUDIN
Attorneys for Plaintiffs FRANK LOPEZ and
DAVID PALMER

Dated: January 30, 2009

FAKHIMI AND ASSOCIATES

By: /s/Houman Fakhimi
HOUMAN FAKHIMI
Attorneys for JOSE CAMARENA

Dated: January 30, 2009

Law Offices of Gregg A. Farley

By: /s/Gregg A. Farley
GREGG A. FARLEY
Attorneys for JOSE CAMARENA

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ORDER

Based on the foregoing Stipulation of counsel for the Parties, and

GOOD CAUSE APPEARING, the class certification discovery and class certification motion schedule is revised as follows:

- Discovery cutoff for class certification motion - May 18, 2009
- Last day to file/serve class certification motion - June 8, 2009
- Last day to file/serve opposition to class certification motion - June 22, 2009
- Last day to file/serve reply to opposition to class certification motion - June 29, 2009
- Last day for Court Hearing on class certification motion - July 17, 2009 at 8:30 a.m.

in Courtroom 4 before District Judge Lawrence J. O'Neill.

In addition, the February 6, 2009 hearing date on plaintiffs' discovery motion [37] is vacated.

IT IS SO ORDERED.

DATED: February 2, 2009

/s/ Sandra M. Snyder
Sandra M. Snyder
United States Magistrate Judge



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