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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
SACRAMENTO DIVISION

LYNDA CARTWRIGHT and LLOYD
 CARTWRIGHT, on behalf of themselves
 and all others similarly situated,

Plaintiffs,

v.

VIKING INDUSTRIES, INC., an Oregon
 Corporation, and DOES 1-100, inclusive,

Defendants.

Case No. 2:07-cv-2159-FCD-EFB

**STIPULATION AND ORDER TO
 AMEND SCHEDULING ORDER**

1 WHEREAS, Plaintiffs Lloyd and Lynda Cartwright (“Plaintiffs”) and Defendant Viking
2 Industries, Inc. (“Viking”) executed and submitted a stipulation on March 19, 2009, which amended
3 the scheduling order which included dates for class certification, fact and expert discovery cutoffs,
4 and trial;

5 WHEREAS, under the terms of the current pre-trial scheduling order dated April 22, 2008
6 (Document No. 36), and the Stipulation and Orders to Modify the Scheduling Order dated
7 September 17, 2008 (Document Nos. 65 and 66), December 19, 2008 (Document No. 91),
8 January 22, 2009 (Document No. 102) and March 19, 2009 (Document No. 108), Plaintiffs and
9 Defendant agree that the merits discovery and expert discovery cannot be completed by the existing
10 cutoff dates;

11 WHEREAS, the hearing on Plaintiff’s Motion for Class Certification was held on
12 September 4, 2009, the Motion for Class Certification was granted on September 14, 2009,
13 Defendant’s Motion for Reconsideration of Class Certification was denied on November 17, 2009,
14 and Defendant filed its Petition for Permission to Appeal Pursuant to Fed. R. Civ. P. 23(f) in *Lynda*
15 *Cartwright, et al. v. Viking Industries, Inc., et al.*, U.S. Court of Appeals (9th Cir.) Case No. 09-
16 80178, on December 2, 2009, and Plaintiffs filed their Answer to Defendant’s Petition for
17 Permission to Appeal on December 14, 2009;

18 WHEREAS, the Court has reviewed the parties’ stipulation and proposed order to modify
19 the pre-trial scheduling order;

20 NOW, THEREFORE, Plaintiffs and Defendant, through their respective counsel, stipulate
21 that the following deadlines shall now apply:
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- 1. All fact discovery shall be completed by June 15, 2010;
- 2. Expert disclosures shall be completed by July 1, 2010;
- 3. All supplemental expert disclosures shall be completed by July 15, 2010;
- 4. All expert discovery shall be completed by August 15, 2010;
- 5. The last day to hear dispositive motions shall be August 20, 2010;
- 6. The final pre-trial conference shall be September 17, 2010 at 3:00 pm.; and
- 7. The jury trial shall commence at 9:00 AM on November 2, 2010.

Dated: January 11, 2010

BIRKA-WHITE LAW OFFICES

(As authorized on January 11, 2010)

By: /s/ David M. Birka-White
David M. Birka-White

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Class Counsel

Dated: January __, 2010

ROPER, MAJESKI, KOHN & BENTLEY

By: /s/
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Attorneys for Defendant Viking Industries, Inc.

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ORDER

IT IS SO ORDERED.

Dated: January 11, 2010



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE