

1 Shawn Khorrami, SBN 180411  
skhorrami@kpalawyers.com  
2 Robert J. Drexler, Jr., SBN 119119  
rdrexler@kpalawyers.com  
3 Launa Adolph, SBN 227743  
ladolph@kpalawyers.com  
4 **KHORRAMI POLLARD & ABIR LLP**  
444 S. Flower St., Thirty-Third Floor  
5 Los Angeles, California 90071  
Telephone: (213) 596-6000  
6 Facsimile: (213) 596-6010

7 *Attorneys for Plaintiffs*

8 Joan B. Tucker Fife, SBN 144572  
jfife@winston.com  
9 **WINSTON & STRAWN LLP**  
101 California Street, Suite 3900  
10 San Francisco, CA 94111  
Telephone: (415) 591-1000  
11 Facsimile: (415) 591-1400

12 *Attorneys for Defendant*

13 ADDITIONAL COUNSEL LISTED  
ON SIGNATURE PAGE

14 **UNITED STATES DISTRICT COURT**  
15 **EASTERN DISTRICT OF CALIFORNIA**  
16

17 LUKE HALTON and DENNIS BIER, )  
Individually and on Behalf of All Other )  
18 Similarly Situated Current and Former )  
Employees, )

19 Plaintiffs, )  
20 )

21 vs. )  
22 )

23 VALSPAR CORPORATION AND )  
SUBSIDIARIES, a Delaware corporation, and )  
DOES 1 through 10, Inclusive, )

24 Defendants. )  
25 )  
26 )  
27 )  
28 )

**Case No. 2:10-cv-02400-KJM-EFB**

**AMENDED JOINT STIPULATION AND  
ORDER TO MODIFY SCHEDULING  
ORDER**

The parties to the above-referenced action stipulate as follows:

1 WHEREAS, the Court has set the following deadlines relating to class certification:

- 2 1. Pre-certification discovery cut-off: December 16, 2011;
- 3 2. Plaintiff's Motion for Class Certification: January 31, 2012;
- 4 3. Defendant's Opposition: February 14, 2012;
- 5 4. Plaintiff's Reply: February 21, 2012; and
- 6 5. Hearing on Class Certification: March 23, 2012.

7 (Docket No. 24.)

8 WHEREAS, Plaintiffs' operative complaint contains claims regarding alleged meal and rest  
9 period violations under California law;

10 WHEREAS, the case of *Brinker Restaurant Corp. et al. v. Superior Court of San Diego*  
11 *County (Hohnbaum et al., Real parties in Interest)* ("Brinker"), which is currently under  
12 consideration of the California Supreme Court, involves questions of how to interpret and apply  
13 California meal and rest period law;

14 WHEREAS, the California Supreme Court is set to hear oral argument on November 8,  
15 2011;

16 WHEREAS, the parties believe that the California Supreme Court will issue a decision  
17 within 90 days;

18 WHEREAS, the meal and rest break issues to be decided by the California Supreme Court in  
19 *Brinker* are relevant to the legal issues in this case relating to class certification;

20 WHEREAS, the parties believe that a short continuance of the briefing schedule and hearing  
21 on Plaintiff's Motion for Class Certification is appropriate to allow the parties to brief, and the Court  
22 to hear, the Motion for Class Certification with the benefit of the California Supreme Court's  
23 opinion in *Brinker*;

24 WHEREAS, the parties have met and conferred to determine a schedule for briefing and  
25 hearing the Plaintiff's Motion for Class Certification that allows the parties sufficient time to brief  
26 this motion after the Supreme Court issues an opinion in *Brinker* and takes into consideration  
27 counsel's trial calendars;

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**Winston & Strawn LLP**  
101 California Street  
San Francisco, CA 94111-5802

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Emilie C. Woodhead  
WINSTON & STRAWN LLP  
333 South Grand Avenue  
Los Angeles, CA 90071  
Telephone: (213) 615-1700  
Facsimile: (213) 615-1750  
  
Attorneys for Defendant,  
VALSPAR CORPORATION

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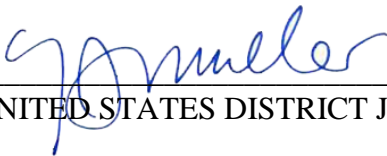
**ORDER**

Having considered the Joint Stipulation submitted by the parties and, GOOD CAUSE APPEARING, IT IS HEREBY ORDERED THAT the pre-trial deadlines shall be set as follows:

1. Pre-certification discovery cut-off: April 30, 2012;
2. Plaintiff's Motion for Class Certification: May 28, 2012;
3. Defendant's Opposition: June 12, 2012;
4. Plaintiff's Reply: June 19, 2012; and
5. Hearing on Class Certification: June 29, 2012.

IT IS SO ORDERED.

**Date:** 11/23/2011

  
UNITED STATES DISTRICT JUDGE