

1 Michael F. Ram, CSB #104805  
 Email: [mram@rocklawcal.com](mailto:mram@rocklawcal.com)  
 2 Karl Olson, CSB #104760  
 Email: [kolson@rocklawcal.com](mailto:kolson@rocklawcal.com)  
 3 RAM, OLSON, CEREGHINO & KOPCZYNSKI  
 555 Montgomery Street, Suite 820  
 4 San Francisco, California 94111  
 Telephone: 415-433-4949  
 5 Facsimile: 415-433-7311

6 [Additional Counsel Appear on Signature Page]

7 *Attorneys for Plaintiffs and the Proposed Class*

9 UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 SACRAMENTO DIVISION

11 STEFANIE MLEJNECKY; GREG  
 12 CLAYTOR,

13 Plaintiffs,

14 v.

15 OLYMPUS IMAGING AMERICA INC.,

16 Defendant.

NO. 2:10-CV-02630-JAM-KJN

**STIPULATION AND ORDER  
 GRANTING EXTENSION OF CLASS  
 CERTIFICATION FILING  
 DEADLINE**

Date:  
 Time:  
 Courtroom: 6  
 Judge: Hon. John A. Mendez

22 WHEREAS Plaintiffs filed their Complaint on September 28, 2010;

23 WHEREAS Plaintiffs propounded their first discovery requests to Defendant on  
 24 December 7, 2010;

27 STIPULATION AND [PROPOSED] ORDER  
 GRANTING EXTENSION OF CLASS CERTIFICATION  
 FILING DEADLINE - 1

1 WHEREAS Plaintiffs propounded their second discovery requests to Defendant on June  
2 30, 2011;

3 WHEREAS Olympus has filed two motions to dismiss and has not yet answered the  
4 Second Amended Complaint;

5 WHEREAS the parties have engaged in a significant number of meet and confer  
6 sessions regarding Plaintiffs' discovery requests and have submitted two discovery disputes to  
7 the Court;

8 WHEREAS a substantial percentage of the documents and information responsive to  
9 Plaintiffs' discovery requests is in the form of electronically stored information ("ESI"),  
10 including email and other types of electronic documents;

11 WHEREAS the parties have been working cooperatively to identify custodians and  
12 draft search terms to collect and produce Olympus' ESI;

13 WHEREAS despite the parties' cooperative efforts, no ESI has been produced to date  
14 and early searches have identified over 250,000 potentially responsive documents;

15 WHEREAS the parties are currently working to refine the search terms, if possible, to  
16 reduce the amount of data collected;

17 WHEREAS the parties agree that additional time is needed for Olympus to produce the  
18 information Plaintiffs seek for class certification and for Plaintiffs to review that information;

19 WHEREAS the following deadlines are currently set pursuant to the Court's case  
20 schedule: September 7, 2011 — Plaintiffs file their motion for class certification; November 9,  
21 2011 — Defendants file their response to Plaintiffs' motion; November 23, 2011 — Plaintiffs  
22 file their reply in support of their motion.

23 WHEREAS the parties have not previously requested an extension of the briefing  
24 deadlines on Plaintiffs' motion for class certification;

25  
26  
27 STIPULATION AND [PROPOSED] ORDER  
GRANTING EXTENSION OF CLASS CERTIFICATION  
FILING DEADLINE - 2

1 WHEREAS the parties are working to avoid further continuances and do not currently  
2 foresee any need for additional time.

3 Therefore the parties agree and stipulate to extend the class certification briefing by a  
4 period of sixty days as follows:

5 **I. STIPULATION**

6 The parties agree that good cause exists to continue the briefing deadlines on Plaintiffs'  
7 motion for class certification as follows:

- 8 • November 7, 2011 — Plaintiffs file their motion for class certification;
- 9 • January 17, 2012 — Defendants file their response to Plaintiffs' motion; and
- 10 • February 7, 2012 — Plaintiffs file their reply in support of their motion.

11 RESPECTFULLY SUBMITTED AND DATED this 2nd day of September, 2011.

12 TERRELL MARSHALL DAUDT  
13 & WILLIE PLLC

DLA PIPER LLP (US)

14 By: /s/ Beth E. Terrell, CSB #178181  
15 Beth E. Terrell, CSB #178181  
16 Email: [bterrell@tmdwlaw.com](mailto:bterrell@tmdwlaw.com)  
17 Marc C. Cote, *Admitted Pro Hac Vice*  
18 Email: [mcote@tmdwlaw.com](mailto:mcote@tmdwlaw.com)  
19 936 North 34th Street, Suite 400  
20 Seattle, Washington 98103-8869  
21 Telephone: 206-816-6603

By: /s/ Christopher M. Young CSB #163319  
Christopher M. Young, CSB #163319  
[christopher.young@dlapiper.com](mailto:christopher.young@dlapiper.com)  
Ryan T. Hansen, CSB #234329  
[ryan.hansen@dlapiper.com](mailto:ryan.hansen@dlapiper.com)  
Amanda Fitzsimmons, CSB #258888  
[amanda.fitzsimmons@dlapiper.com](mailto:amanda.fitzsimmons@dlapiper.com)  
401 B Street, Suite 1700  
San Diego, California 92101-4297  
Telephone: 619-699-2700

Michael F. Ram, CSB #104805  
Email: [mrham@rocklawcal.com](mailto:mrham@rocklawcal.com)  
Karl Olson, CSB #104760  
Email: [kolson@rocklawcal.com](mailto:kolson@rocklawcal.com)  
RAM, OLSON, CEREGHINO  
& KOPCZYNSKI  
555 Montgomery Street, Suite 820  
San Francisco, California 94111  
Telephone: 415-433-4949

*Attorneys for Defendant Olympus Imaging  
America Inc.*

22 STIPULATION AND [PROPOSED] ORDER  
23 GRANTING EXTENSION OF CLASS CERTIFICATION  
24 FILING DEADLINE - 3

1 Marc Edelson, *Admitted Pro Hac Vice*  
2 Email: [medelson@edelson-law.com](mailto:medelson@edelson-law.com)  
3 EDELSON & ASSOCIATES, LLC  
4 45 West Court Street  
5 Doylestown, Pennsylvania 18901  
6 Telephone: 215-230-8043

7 *Attorneys for Plaintiffs and the Proposed*  
8 *Class*

9 **II. ORDER**

10 IT IS SO ORDERED.

11 Dated this 2<sup>nd</sup> day of September, 2011.

12 /s/ John A. Mendez  
13 UNITED STATES DISTRICT COURT JUDGE

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
STIPULATION AND [PROPOSED] ORDER  
GRANTING EXTENSION OF CLASS CERTIFICATION  
FILING DEADLINE - 4

1 CERTIFICATE OF SERVICE

2 I, Beth E. Terrell, hereby certify that on September 2, 2011, I electronically filed the  
3 foregoing with the Clerk of the Court using the CM/ECF system which will send notification of  
4 such filing to the following:

5 Christopher M. Young (Bar No. 163319)  
6 christopher.young@dlapiper.com  
7 Ryan T. Hansen (Bar No. 234329)  
8 ryan.hansen@dlapiper.com  
9 Amanda C. Fitzsimmons (Bar No. 258888)  
10 amanda.fitzsimmons@dlapiper.com  
11 DLA PIPER LLP (US)  
12 401 B Street, Suite 1700  
13 San Diego, California 92101-4297  
14 Telephone: 619.699.2700  
15 Facsimile: 619.699.2701

16 *Attorneys for Defendant*

17 DATED this 2nd day of September, 2011.

18 TERRELL MARSHALL DAUDT & WILLIE PLLC

19 By: /s/ Beth E. Terrell, CSB #178181

20 Beth E. Terrell, CSB #178181  
21 Email: bterrell@tmdwlaw.com  
22 936 North 34th Street, Suite 400  
23 Seattle, Washington 98103-8869  
24 Telephone: 206-816-6603  
25 Facsimile: 206-350-3528

26 *Attorneys for Plaintiffs and the Proposed Class*

27 STIPULATION AND [PROPOSED] ORDER  
GRANTING EXTENSION OF CLASS CERTIFICATION  
FILING DEADLINE - 5