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7 *Attorneys for Plaintiffs and the Proposed Class*

8  
 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

17 **STIPULATION AND ORDER**  
 18 **GRANTING EXTENSION OF CLASS**  
 19 **CERTIFICATION FILING**  
 20 **DEADLINE**

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

21  
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;

25 WHEREAS Plaintiffs propounded their second discovery requests to Defendant on June  
26 30, 2011;

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

1 WHEREAS Olympus answered the Second Amended Complaint on September 12,  
2 2011;

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

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

9 WHEREAS the parties have agreed that the ESI of twelve custodians should be  
10 searched using agreed upon search terms;

11 WHEREAS Defendant commenced producing ESI on October 20, 2011 and as of this  
12 date has substantially completed producing ESI for three of the twelve custodians;

13 WHEREAS Defendant has produced and has agreed to continue to produce ESI on a  
14 rolling basis with one to two productions per week and an expected completion date of  
15 November 30, 2011;

16 WHEREAS the volume of ESI is considerable; for example, for the first three  
17 custodians Olympus produced 5,458 documents comprised of 267,751 pages;

18 WHEREAS the parties agree that additional time is needed for Olympus to complete its  
19 production and for Plaintiffs to review that information in order to prepare for depositions and  
20 brief class certification;

21 WHEREAS the parties anticipate that Plaintiffs will take targeted 30(b)(6) depositions  
22 during the week of December 12, 2011;

23 WHEREAS the parties are actively engaged in discussions to reduce the number of  
24 depositions that need to be taken;

25 WHEREAS the following deadlines are currently set pursuant to the Court's case  
26 schedule: November 7, 2011 — Plaintiffs file their motion for class certification; January 17,  
27

1 2012 — Defendants file their response to Plaintiffs’ motion; February 7, 2012 — Plaintiffs file  
2 their reply in support of their motion.

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

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

7 **I. STIPULATION**

8 The parties agree that good cause exists to continue the briefing deadlines on Plaintiffs’  
9 motion for class certification as follows:

- 10 • January 17, 2012 — Plaintiffs file their motion for class certification;
- 11 • March 19, 2012 — Defendants file their response to Plaintiffs’ motion; and
- 12 • April 9, 2012 — Plaintiffs file their reply in support of their motion.

13 RESPECTFULLY SUBMITTED AND DATED this 3rd day of November, 2011.

14 TERRELL MARSHALL DAUDT  
15 & WILLIE PLLC

DLA PIPER LLP (US)

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8 *Class*

9 **II. ORDER**

10 IT IS SO ORDERED.

11 Dated this 3<sup>rd</sup> day of November, 2011.

12 /s/ John A. Mendez  
13 UNITED STATES DISTRICT COURT JUDGE  
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1 CERTIFICATE OF SERVICE

2 I, Beth E. Terrell, hereby certify that on November 3, 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)  
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16 *Attorneys for Defendant*

17 DATED this 3rd day of November, 2011.

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