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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SHIRLEY "RAE" ELLIS, et al.,

Plaintiffs,

v.

COSTCO WHOLESALE CORPORATION

Defendant.

) Case No. C04 3341 EMC
)
) **STIPULATION AND PROPOSED**
) **ORDER REGARDING BRIEFING ON**
) **RULE 23 MOTIONS**
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The parties, through their counsel, stipulate as follows:

1. The Court held a case management conference on May 8, 2012 at which time it set a briefing schedule for Costco’s Motion for Order Eliminating Class Claims and authorized plaintiffs to file a Cross-Motion for Class Certification to be heard on the same hearing date (July 27, 2012).
2. The Court’s minute order did not address the page limits for the remaining briefing on the cross-motions nor do the local rules specifically address a situation where the parties are filing cross-motions.
3. There is substantial overlap in the issues presented in defendant’s motion and plaintiffs’ cross-motion and, to avoid duplication, the parties agree that they can most efficiently respond with one consolidated brief for both motions, rather than separate briefs for each motion.
4. Because there has been a prior motion for class certification in this case, an appeal of that order to the Ninth Circuit, and an intervening Supreme Court decision, the motion and cross-motion require the parties to brief a large evidentiary record and new legal issues. Plaintiffs must both respond to defendant’s motion and make an affirmative showing that they have met the requirements of Rule 23.
5. In order to consolidate the briefing for the two motions and ensure adequate space to address the issues, the parties propose the following page limits for the remaining briefs.

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1 Plaintiffs' Opposition to Motion for Order 40 pages June 8, 2012
 2 Eliminating Class Claims and Cross-Motion
 for Class Certification
 3 Defendant's Reply in Support of Motion for 40 pages June 29, 2012
 4 Order Eliminating Class Claims and
 5 Opposition to Motion for
 Class Certification
 6 Plaintiffs' Reply Brief in Support of Class 15 pages July 13, 2012
 7 Certification

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 9 6. This stipulation and proposed order does not affect the briefing schedule set by the Court.

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 11 DATED: June 1, 2012

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 13 By /s/ Jocelyn D. Larkin
 Jocelyn D. Larkin
 Attorneys for Plaintiffs

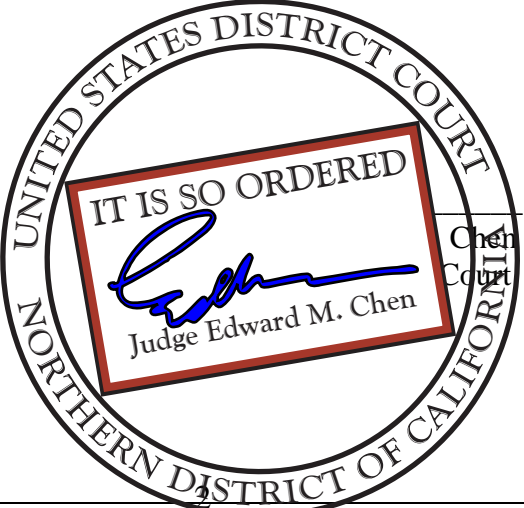
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 15 DATED: June 1, 2012

SEYFARTH SHAW LLP

16
 17 By /s/ David D. Kadue
 David D. Kadue
 Attorneys for Defendant
 COSTCO WHOLESALE CORPORATION

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 20 GOOD CAUSE APPEARING, it is so ordered.

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 24 Date: 6/4/12



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