

1 JOHN C. KLOOSTERMAN, Bar No. 182625
 2 LAURA E. HAYWARD, Bar No. 204014
 3 LITTLER MENDELSON
 4 A Professional Corporation
 5 650 California Street, 20th Floor
 6 San Francisco, CA 94108.2693
 7 Telephone: 415.433.1940

8 Attorneys for Defendants
 9 24 HOUR FITNESS USA, INC. AND SPORT AND
 10 FITNESS CLUBS OF AMERICA

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 GABE BEAUPERTHUY, et al.,
 14 Plaintiffs,
 15 v.
 16 24 HOUR FITNESS USA, INC. a
 17 California corporation dba 24 HOUR
 18 FITNESS; SPORT AND FITNESS
 19 CLUBS OF AMERICA, INC., a California
 20 corporation dba 24 HOUR FITNESS,
 21 Defendants.

Case No. C 06 0715 SC

**STIPULATION AND ~~PROPOSED~~ ORDER
 EXTENDING DATE FOR DEFENDANTS TO
 FILE REPLY BRIEFING ISO MOTIONS TO
 DECERTIFY CONDITIONAL FLSA
 TRAINER CLASS AND MANAGER CLASS**

Date: January 21, 2011
 Time: 10:00 a.m.
 Judge: Hon. Samuel Conti

1 **RECITALS**

2 A. Defendants filed their Motion to Decertify Conditional FLSA Trainer Class and
3 Motion to Decertify Conditional FLSA Manager Class and all supporting documents on September
4 24, 2010, one week prior to the October 1, 2010 deadline agreed upon by the parties and approved
5 by this Court;

6 B. Plaintiffs filed their Oppositions to the Motion to Decertify Conditional FLSA
7 Trainer Class and Motion to Decertify Conditional FLSA Manager Class, as well as two Motions to
8 Strike on November 12, 2010, on the deadline agreed upon by the parties and approved by this
9 Court. In support of their Oppositions Plaintiffs filed 119 Plaintiff declarations, 40 of which have
10 deposition testimony attached to them.

11 C. Defendants' reply briefing is now due on November 29, 2010, the Monday after the
12 Thanksgiving holiday.

13 D. The hearing on the Motion to Decertify Conditional FLSA Trainer Class and Motion
14 to Decertify Conditional FLSA Manager Class is January 21, 2011. The parties are not requesting
15 that this date be moved.

16 E. Due to the size of Plaintiffs' filing and in light of the Thanksgiving holiday, Plaintiffs
17 have agreed to grant Defendants a one-week extension of time in which to file their reply briefing.
18 All reply briefing will be due on December 6, 2010.

19 F. The date of the hearing will remain January 21, 2011.
20
21
22
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

STIPULATION

1. The parties hereby stipulate that Defendants' reply briefing in support of their Motion to Decertify Conditional FLSA Trainer Class and Motion to Decertify Conditional FLSA Manager Class will be filed on December 6, 2010.

SO STIPULATED:

Dated: November 19, 2010

LITTLER MENDELSON, P.C.

By: _____ /s/
John C. Kloosterman
Laura E. Hayward
Littler Mendelson, P.C.,
Attorneys for Defendant

Dated: November 19, 2010

**DONAHOO & ASSOCIATES
FOLEY BEZEK BEHLE & CURTIS, LLP**

By: _____ /s/
Richard E. Donahoo
Thomas G. Foley, Jr.
Justin P. Karczag
Attorneys for Plaintiffs

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

[PROPOSED] ORDER

Upon reading the forgoing Stipulation, and good cause appearing, therefore,
IT IS ORDERED THAT,

Defendants' reply briefing in support of their Motion to Decertify Conditional FLSA Trainer Class and Motion to Decertify Conditional FLSA Manager Class will be filed on December 6, 2010.

The hearing on the Defendants' Motion to Decertify Conditional FLSA Trainer Class and Motion to Decertify Conditional FLSA Manager Class will remain on January 21, 2011.

IT IS SO ORDERED.

Dated: November 22, 2010

Firmwide:98768206.1 034670.1216

