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 24 HOUR FITNESS USA, INC. AND SPORT AND
 6 FITNESS CLUBS OF AMERICA

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

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

Case No. C 06 0715 SC

**STIPULATION AND PROPOSED ORDER
 VACATING SCHEDULING ORDER
 AND/OR DISPOSITIVE MOTION
 DEADLINES**

Judge: Hon. Samuel Conti

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RECITALS

A. On February 24, 2011 the Court signed an Order Decertifying Conditional FLSA Classes (“Decertification Order”) (Document # 428). In the Decertification Order, the Court allowed the 58 named plaintiffs 60 days to determine whether they will proceed to trial or withdraw from the action and seek resolution of their claims by arbitration.

B. The current Scheduling Order in this case contains a dispositive motion cut-off date which is 30 days after the date the Court issues a ruling on any decertification motions, which is March 26, 2011. The last day to oppose dispositive motions is 6 weeks from the date of the filing of the motion to which the opposition relates. The last day to reply to the opposition is 14 days after the filing of the opposition to which the reply relates. (Document # 361)

C. Because the procedural posture of the case has changed significantly, it would no longer be appropriate for either party to file a dispositive motion by the currently set deadline. The parties are unaware at present which named plaintiffs will proceed to trial in this courtroom.

D. There are no trial date(s) currently set, so there will be no effect on the trial date(s).

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STIPULATION

1. The parties hereby stipulate that the dispositive motion deadlines in this case shall be vacated.

SO STIPULATED:

Dated: March 9, 2011

LITTLER MENDELSON, P.C.

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

Dated: March 9, 2011

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

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

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~~PROPOSED~~ ORDER

Upon reading the forgoing Stipulation, and good cause appearing, therefore,

IT IS ORDERED THAT,

The current dispositive motion deadlines in this case are hereby vacated.

IT IS SO ORDERED.

Dated: 3/10/11

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