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16 Attorneys for Plaintiffs GERALD SMITH, et al.,
 17 and the Certified Plaintiff Class

18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA
 20 SAN FRANCISCO DIVISION

21 GERALD SMITH, et al, on behalf of
 22 themselves and all others similarly situated,

23 Plaintiffs,

24 vs.

25 CARDINAL LOGISTICS MANAGEMENT
 26 CORPORATION, a North Carolina
 27 Corporation,

28 Defendants.

) **Case No.: C07-02104 SC**
)
) **CLASS ACTION**
)
) **STIPULATION RE: FILING DATE FOR**
) **MOTION FOR FINAL APPROVAL OF**
) **CLASS ACTION SETTLEMENT**
)
) **[PROPOSED] ORDER**
)
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1 Pursuant to Local Rule 7-12, the parties to the above-entitled action, through their
2 respective counsel, hereby stipulate, agree and request as follows:

3 1. On April 11, 2011, this Court entered its Order (1) Granting Preliminary Approval
4 to Proposed Class Action Settlement, (2) Appointing Settlement Administrator; (3) Approving
5 and Directing Notice to the Class, and (4) Setting Date for Final Approval Hearing and Related
6 Dates (“Preliminary Approval Order”) (ECF Document #144).

7 2. As part of the Court’s Preliminary Approval Order, the Court scheduled the Final
8 Approval Hearing for August 12, 2011 at 10:00 a.m. The Settlement Class members were
9 notified of this date in the Notice, and the parties do not request any change with respect to the
10 date for the Final Approval Hearing.

11 3. Under the normal briefing schedule for motions set forth in Local Rule 7-2, and
12 also as specified in the Preliminary Approval Order, the currently scheduled date for the filing of
13 the Motion for Final Approval is July 8, 2011 (35 days prior to August 12, 2011).

14 4. The “Notice Mailing Date” for the mailing of Notice of the settlement to Class
15 Members was May 11, 2011 (30 days after the date the Preliminary Approval Order was
16 entered). Based on this Notice Mailing Date, the deadline for the submission of Claims, and for
17 any requests for exclusion or objections, is July 11, 2011 (60 days from the Notice Mailing Date
18 of May 11, 2011). Thus, the currently scheduled date for the filing of the Motion for Final
19 Approval (July 8, 2011) is prior to the deadline for the submission of Claims, requests for
20 exclusion and any objections (July 11, 2011).

21 5. By this Stipulation, the parties hereby agree to, and request the Court’s approval
22 for, a two-week continuance of the filing date for the Motion for Final Approval, from July 8,
23 2011 to July 22, 2011. This new date of July 22, 2011 would be 21 days prior to the Final
24 Approval Hearing on August 12, 2011. The Motion for Final Approval will be unopposed by
25 Defendant. If any objections are filed, they will have been filed by July 11, 2011. The reason to
26 continue the filing date for the Final Approval Motion is so that the Settlement Administrator
27 will have time to receive and to process all of the Claims and requests for exclusion, and so that
28

1 this information can then be relayed to the Court in the Final Approval Motion. The continuance
2 would also allow the parties to address any objections to the settlement.

3 6. Pursuant to the Preliminary Approval Order, Plaintiffs' Motion for Attorneys'
4 Fees will be filed as scheduled on June 27, 2011 (14 days prior to the July 11 deadline for any
5 requests for exclusion or objections). The parties do not request any change with respect to the
6 filing date for the Motion for Attorneys' Fees. The Notice mailed to Settlement Class members,
7 in the form approved by the Court, informed the class members that the Motion for Attorneys'
8 Fees would be filed on or before June 27, 2011, but did not make any representation as to the
9 date that the Motion for Final Approval would be filed.

10 IT IS SO STIPULATED.

11
12 Dated: June 24, 2011

CHAVEZ & GERTLER LLP

LAW OFFICES OF KIM E. CARD

By: _____/s/_____

KIM E. CARD

Attorneys for Plaintiffs and the
Certified Plaintiff Class

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16
17 Dated: June 23, 2011

SCOPELITIS, GARVIN, LIGHT &
HANSON

By: _____/s/_____

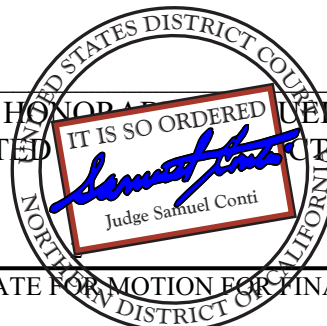
Robert L. Browning

Attorneys for Defendant CARDINAL LOGISTICS
MANAGEMENT CORPORATION

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22 PURSUANT TO STIPULATION, IT IS SO ORDERED. Plaintiffs shall file their
23 Motion for Final Approval of Class Action Settlement on or before July 22, 2011. The Final
24 Approval Hearing remains on calendar for August 12, 2011 at 10:00.

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26 Dated: 6/30, 2011

27 THE HONORABLE JUDGE SAMUEL CONTI
28 UNITED STATES DISTRICT COURT OF THE DISTRICT OF CALIFORNIA



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ATTESTATION REGARDING THE SIGNATURE OF NON-FILING COUNSEL

I, Kim E. Card, co-counsel for the Plaintiffs in this action declare that, prior to the electronic filing of this Stipulation, I attained express written confirmation from Defendant's counsel that he signed off on the Stipulation, authorized his electronic signature to be affixed hereto, and consented to and concurred in the filing of this document.

Dated: June 24, 2011

_____/s/_____

KIM E. CARD