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 14 Plaintiffs Clarke and Rebecca Wixon and
 15 Norman and Barbara Wixon

16 [Additional Counsel Appear On Signature Page]

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

15 Clarke and Rebecca Wixon and Norman and
 16 Barbara Wixon, derivatively and on behalf of
 17 themselves and all others similarly situated,
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Plaintiffs,

v.

21 Wyndham Resort Development Corp. (f/k/a
 22 Trendwest Resorts, Inc.), Gene Hensley, David
 23 Herrick, John Henley, Peggy Fry and John
 24 McConnell, and nominally, WorldMark, the
 25 Club,
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Defendants.

No. C 07-02361 JSW

CLASS ACTION

STIPULATION RE: PLAINTIFFS' REQUEST FOR CONTINUANCE OF CASE MANAGEMENT CONFERENCE; AND ~~PROPOSED~~ ORDER

Current CMC date: November 14, 2008
 Current CMC time: 1:30 p.m.

Requested CMC date: December 5, 2008
 Requested CMC time: 1:30 p.m.

Judge: Hon. Jeffrey S. White

1 WHEREAS, on October 29, 2008, the Court issued an order vacating the case management
2 conference date previously scheduled for October 31, 2008 at 1:30 p.m, and resetting that matter for
3 hearing on November 14, 2008 at 1:30 p.m.;

4 WHEREAS, also on October 29, 2008, Plaintiffs Clarke and Rebecca Wixon and Norman and
5 Barbara Wixon (“Plaintiffs”) filed a Notice of Pendency of Other Actions or Proceedings (“Notice of
6 Pendency”), identifying the following California state court proceeding currently pending in the
7 Superior Court of California, County of Sacramento: *WorldMark, The Club v. Robin Miller, Wyndham*
8 *Resort Development Corporation and DOES 1 through 50, inclusive*, Case No. 34-2008-00025130-CU-
9 PT-GDS, Superior Court of California, County of Sacramento, Department 53, 800 Ninth Street,
10 Sacramento, California;

11 WHEREAS, the Director Defendants filed their opposition to Plaintiffs’ Notice of Pendency on
12 November 3, 2008, and Defendant Wyndham will timely file its opposition to Plaintiffs’ Notice of
13 Pendency;

14 WHEREAS, the Defendants do not take a position that the CMC date should be changed and do
15 not stipulate to nor join in Plaintiffs’ position regarding the proceedings in the Sacramento County
16 Court;

17 WHEREAS, the California Superior Court has scheduled two hearings in the above-described
18 California state court proceeding in the Sacramento Superior Court for Friday, November 14, 2008, as
19 follows: (1) a hearing on Plaintiffs’ motion to intervene in the California State court proceeding, which
20 motion is to be heard in Department 47 of the Sacramento Superior Court at 9:30 a.m. on November 14,
21 2008; and (2) a hearing on the petition filed by WorldMark, the Club (“WorldMark”) to set aside a
22 demand by respondent/WorldMark member Robin Miller for access to the WorldMark membership
23 register, which matter is to be heard in Department 53 of the Sacramento Superior Court at 2:00 p.m. on
24 November 14, 2008;

25 WHEREAS, counsel for Plaintiffs sought unsuccessfully to reschedule the hearings in the
26 Sacramento Superior Court to avoid a scheduling conflict with the case management conference
27 scheduled in this action, presently set for November 14, 2008 at 1:30 p.m.;

28 WHEREAS, as a result of the foregoing, counsel for Plaintiffs has a scheduling conflict in

1 another pending matter that cannot be avoided;

2 WHEREAS, counsel for Plaintiffs has met and conferred with Defendants' counsel of record in
3 this action, and requested that the case management conference presently set for November 14, 2008 at
4 1:30 p.m. be continued to December 5, 2008 at 1:30 p.m.(the first available date); and

5 WHEREAS, counsel for Defendants have stated they are available to appear for a case
6 management conference on either November 14, 2008 or December 5, 2008 at 1:30 p.m., whichever
7 date may be convenient for the Court;

8 WHEREAS, if the Court reschedules the case management conference, the due date for the
9 parties to file a joint case management conference statement should be adjusted to be due two weeks
10 before the scheduled conference;

11 IT IS HEREBY STIPULATED by and between Plaintiffs and Defendants by and through their
12 respective counsel of record, that Plaintiffs shall be permitted to request and Defendants will not oppose
13 an order continuing the case management conference, from November 14, 2008 to December 5, 2008 at
14 1:30 p.m.

15 Dated: November 6, 2008

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Dated: November 6, 2008

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Dated: November 6, 2008

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*Attorneys for Director Defendants Gene
Hensley, David Herrick, John Henley, Peggy Fry
and John McConnell*

[PROPOSED] ORDER

The Court HEREBY ORDERS as follows:

1. For good cause shown, Plaintiffs' request for a continuance of the case management conference, from November 14, 2008 to December 5, 2008, is HEREBY GRANTED.

2. The case management conference currently scheduled for November 14, 2008, at 1:30 p.m. is HEREBY CONTINUED from November 14, 2008 to **December 5, 2008 at 1:30 p.m.**

3. The date for submitting a revised joint case management conference statement, if any, is November 21, 2008.

IT IS SO ORDERED.

DATED: November 7, 2008


The Honorable Jeffrey S. White
UNITED STATES DISTRICT JUDGE