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Plaintiffs Clarke and Rebecca Wixon and  
Norman and Barbara Wixon

[Additional counsel appear on signature page]

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

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

Plaintiffs,

v.

Wyndham Resort Development Corp. (f/k/a  
Trendwest Resorts, Inc.), Gene Hensley, David  
Herrick, John Henley, Peggy Fry and John  
McConnell, and nominally, WorldMark, The  
Club,

Defendants.

Case No. C 07-02361 JSW (BZ)

**STIPULATION AND ~~PROPOSED~~  
ORDER EXTENDING TIME TO  
SUBMIT REPORT REGARDING  
METHOD AND FORM OF CLASS  
NOTICE**

**CLASS AND DERIVATIVE ACTION**

1 WHEREAS the Court, on October 19, 2009, entered its order granting in part and denying in  
2 part Plaintiffs' motion for class certification, and directing that Plaintiffs Clarke and Rebecca Wixon  
3 and Norman and Barbara Wixon (collectively, "Plaintiffs") and Defendant Wyndham Resort  
4 Development Corporation ("Wyndham") meet and confer and submit to the Court by no later than  
5 November 6, 2009 a report regarding the method by which they intend to provide notice to the Class  
6 and the proposed form of notice (Dkt. No. 420);

7 WHEREAS, pursuant to the Court's order, the parties have met and conferred and preliminarily  
8 discussed potential methods of providing notice to the Class and the potential form of notice;

9 WHEREAS the parties currently have scheduled a mediation session before the Honorable  
10 William J. Cahill (Ret.) of JAMS for November 11, 2009;

11 WHEREAS the parties have conferred and agreed, subject to the approval of the Court, to defer  
12 the filing of the report described in the Court's October 19, 2009 order (Dkt. No. 420), pending the  
13 outcome of the mediation; and

14 WHEREAS, on November 2, 2009, Wyndham filed its Rule 23(f) Petition for Interlocutory  
15 Appeal;

16 IT IS HEREBY STIPULATED by and between Plaintiffs and Wyndham, by and through their  
17 respective counsel, that the parties will meet and confer and submit to the Court the report described in  
18 Dkt. No. 420 30 days after the conclusion of the mediation process, absent further Order of the Court.

1 Dated: November 6, 2009

Respectfully submitted,

2 **GIRARD GIBBS LLP**

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17 *Attorneys for Individual and Representative Plaintiffs Clarke*  
18 *and Rebecca Wixon and Norman and Barbara Wixon*

1 Dated: November 6, 2009

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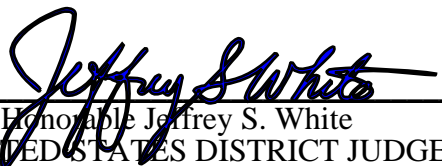
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*Attorneys for Defendant Wyndham Resort  
Development Corporation*

**ORDER**

17  
18  
19 IT IS SO ORDERED.

20  
21 DATED: November 6, 2009

  
The Honorable Jeffrey S. White  
UNITED STATES DISTRICT JUDGE