

Jonathan K. Levine (State Bar No. 220289)

jkl@girardgibbs.com

Elizabeth C. Pritzker (State Bar No. 146267)

ecp@girardgibbs.com

Todd I. Espinosa (State Bar No. 209591)

tie@girardgibbs.com

**GIRARD GIBBS LLP**

601 California Street

San Francisco, California 94108

Telephone: (415) 981-4800

Facsimile: (415) 981-4846

Class Counsel and

Attorneys for Plaintiffs Clarke and Rebecca Wixon,

Norman and Barbara Wixon, and Kandice Scattolon

*[Additional counsel appear on signature page]*

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

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

Plaintiffs,

v.

Wyndham Resort Development Corp. (f/k/a  
Trendwest Resorts, Inc.),

Defendant.

Case No. C 07-02361 JSW

**STIPULATION AND ~~PROPOSED~~  
ORDER CONTINUING SETTLEMENT  
DOCUMENTATION FILING DATE**

CLASS ACTION

Before: Hon. Jeffrey S. White

1 On July 7, 2010, Plaintiffs Clarke and Rebecca Wixon, Norman and Barbara Wixon, and  
2 Kandice Scattolon (collectively, "Plaintiffs") and Defendant Wyndham Resort Development  
3 Corporation ("Wyndham") (Plaintiffs and Wyndham are referred to collectively as the "Parties")  
4 notified the Court that they had reached a settlement in principle of all claims asserted by Plaintiffs,  
5 individually and on behalf of the class, against Wyndham and sought a stay of the litigation while they  
6 negotiated and prepared the settlement documentation. [Dkt. No. 501.] The Parties sought to have the  
7 settlement documentation finalized and presented to the Court by September 24, 2010. On that same  
8 date, the Court entered a stipulated order suspending pre-trial and trial deadlines, pending submission  
9 of formal settlement documentation to the Court. [Dkt. No. 502.]

10 Prior to and following the entry of the stipulated order, the Parties, through their counsel, have  
11 exchanged draft settlement documents, conferred with each other to resolve drafting concerns,  
12 discussed plans for providing notice to the class, and met with their respective clients and client  
13 representatives to discuss and resolve issues pertaining to the settlement and the documentation thereof  
14 and to obtain the necessary client approvals and authorizations by the September 24 deadline. Despite  
15 the Parties' substantial progress accomplished through diligent, good faith, and cooperative efforts to  
16 complete these tasks, the Parties are unable to finalize all of the settlement documents and obtain the  
17 necessary client approvals by the September 24 deadline. Wyndham's counsel will be out of the  
18 country for two weeks from September 25 through October 11, 2010, and the Parties will require a  
19 short time following that date to conclude the settlement documents. Accordingly, the Parties agree to  
20 and hereby seek, subject to the Court's approval, a brief extension of the date to submit the final  
21 settlement documentation to the Court, from September 24, 2010 to no later than October 19, 2010.  
22 The Parties have not previously sought an extension of time for this purpose.  
23  
24  
25  
26  
27  
28

1 Dated: September 23, 2010

Respectfully submitted,

2 **GIRARD GIBBS LLP**

3 By: /s/ Jonathan K. Levine  
4 Jonathan K. Levine

5 Elizabeth C. Pritzker  
6 601 California Street, 14<sup>th</sup> Floor  
7 San Francisco, California 94108  
8 Telephone: (415) 981-4800  
9 Facsimile: (415) 981-4846

10 James Helfrich (*admitted pro hac vice*)

11 **GERSH & HELFRICH, LLP**

12 1860 Blake Street, Suite 300  
13 Denver, Colorado 80202  
14 Telephone: (303) 293-2333  
15 Facsimile: (303) 293-2433

16 *Attorneys for the Class and Plaintiffs Clarke and Rebecca*  
17 *Wixon, Norman and Barbara Wixon, and Kandice*  
18 *Scattolon*

19 Dated: September 23, 2010

20 **TROUTMAN SANDERS, LLP**

21 By: /s/ J. Kirk Quillian  
22 J. Kirk Quillian (*admitted pro hac vice*)

23 J. Kirk Quillian (*admitted pro hac vice*)  
24 5200 Bank of America Plaza  
25 600 Peachtree Street, N.E.  
26 Atlanta, Georgia 30308-2216  
27 Telephone: (404) 885-3000  
28 Facsimile: (404) 885-3900


**SCHIFF HARDIN LLP**

Stephen M. Hankins  
One Market, Spear Street Tower, 32<sup>nd</sup> Floor  
San Francisco, California 94105  
Telephone: (415) 901-8700  
Facsimile: (415) 901-8701

*Attorneys for Defendant Wyndham Resort*  
*Development Corporation*

1 **PURSUANT TO THE FOREGOING STIPULATION, IT IS SO ORDERED.**

2  
3 Dated: September 23, \_\_\_\_\_, 2010

4   
5 Honorable Jeffrey S. White  
6 United States District Judge

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28