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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16 SAN FRANCISCO DIVISION
 17

19 JULIUS BRIGGS, on behalf of himself and)
 all others similarly situated,)
 20)
 Plaintiff/Counterdefendant,)
 21)
 vs.)
 22)
 UNITED STATES OF AMERICA,)
 23)
 24 Defendant/Counterplaintiff.)

No. CV-07-5760 WHA

**STIPULATION AND
 [PROPOSED] ORDER
 TO ALLOW SUPPLEMENTAL
 CLASS NOTICE
 AND TO RESCHEDULE
 PRETRIAL CONFERENCE
 AND TRIAL**

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 26
 27
 28 Stipulation and [Proposed] Order CV-07-5760 WHA

1 WHEREAS, Defendant determined on April 6, 2009 that it needs to supplement its
2 discovery responses that mistakenly omitted offsets that were used to identify potential class
3 members;

4 WHEREAS, AAFES will provide the supplemental discovery responses as soon as
5 possible, but needs approximately thirty days to complete its review and ensure that the revised
6 responses are accurate;

7 WHEREAS, the United States expects additional class members will be identified as a
8 result of this review;

9 WHEREAS, both parties need the supplemental discovery responses to prepare for trial;
10 and

11 WHEREAS, when conferring about this stipulation, Plaintiff's counsel notified
12 Defendant's counsel that he intends to file a motion to intervene in this case, and that he may
13 seek additional discovery as part of that motion.

14 WHEREFORE, the parties, by and through their respective counsel of record, agree,
15 stipulate, and request an Order allowing supplemental class notice and rescheduling of the
16 pretrial conference and trial, currently scheduled for April 27, 2009 at 2:00 p.m., and May 11,
17 2009 at 8:00 a.m., respectively.

18 The parties agree that Defendant will supplement its discovery responses by May 7, 2009.

19 The parties agree that they will submit on May 21, 2009, a joint proposal regarding
20 supplemental class notice to persons who were inadvertently omitted from the original class list,
21 and that the United States will pay the actual costs of the supplemental class notice.

22 The parties agree that oral argument on the parties' motions for summary judgment and
23 motions to strike will be heard as scheduled on April 9, 2009, at 8:00 a.m.

24 The parties agree that the proposed motion to intervene does not serve as the basis for this
25 Stipulation, but Plaintiff's counsel wished to alert the Court of its intentions.

26 The parties agree that the United States reserves its right to oppose Plaintiff's motion to
27

1 intervene and any request for additional discovery, and this Stipulation does not waive the United
2 States' right to oppose Plaintiff's motion.

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4 DATED: April 7, 2009

Respectfully submitted,

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6 S. CHANDLER VISHER
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11
12
13 By: /s/ S. Chandler Visher
S. Chandler Visher
Attorneys for Plaintiff & Counterdefendant

14
15 DATED: April 7, 2009

MICHAEL F. HERTZ
ACTING ASSISTANT ATTORNEY GENERAL

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17 J. CHRISTOPHER KOHN
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[PROPOSED] ORDER

Pursuant to the foregoing Stipulation of the parties, and good cause appearing therefore,
IT IS HEREBY ORDERED that the Defendant will supplement its discovery responses by May
7, 2009, and that the parties will submit to the Court a Joint Proposal Regarding Supplemental
Class Notice, by May 21, 2009. The pretrial conference and trial dates are hereby CONTINUED
and shall be set at a scheduling conference to be held on TBD at _____.

IT IS SO ORDERED.

April 14, 2009

Date _____

