

1 **MARKUN ZUSMAN & COMPTON LLP**
 2 JEFFREY K. COMPTON, State Bar No. 142969
 3 DARIA DUB CARLSON, State Bar No. 150628
 4 WILLIAM A. BAIRD, State Bar No. 192675
 5 17383 Sunset Boulevard, Suite A380
 Pacific Palisades, California 90272
 Telephone: (310) 454-5900
 Facsimile: (310) 454-5970

6 **LAW OFFICE OF STEVEN ELSTER**
 7 STEVEN ELSTER, State Bar No. 227545
 8 785/E2 Oak Grove Road, #201
 9 Concord, CA 94518-3617
 Telephone: (925) 324-2159
 Facsimile: (925) 945-1276

10 Attorneys for Plaintiffs,
 11 JAMES BRADY, SARAH CAVANAGH
 AND IVA CHIU

12 **MORRISON & FOERSTER LLP**
 13 LINDA E. SHOSTAK, State Bar No. 64599
 14 JAMES E. BODDY, JR., State Bar No. 65244
 15 MARY FERRER HANSBURY, State Bar No. 191121
 425 Market Street
 San Francisco, California 94105-2482
 Telephone: (415)268-7000
 Facsimile: (415)268-7522

16 Attorneys for Defendant,
 17 DELOITTE & TOUCHE LLP

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

20
 21 JAMES BRADY, SARAH CAVANAGH,
 and IVA CHIU, individually and on behalf
 22 of all others similarly situated,
 23 Plaintiffs,
 24 vs.
 25 DELOITTE & TOUCHE LLP, a limited
 liability partnership; and DOES 1-10,
 26 inclusive,
 27 Defendants

CASE NO.: C-08-00177 SI
STIPULATION AND [PROPOSED]
ORDER RE: CLARIFYING
SCHEDULE FOR DISPOSTIVE
MOTIONS AND SETTING
STATUS CONFERENCE

1 **STIPULATION**

2 Pursuant to Local Rules 16 and 7-12, Plaintiffs and Defendant, through their
3 respective counsel, submit the following stipulation and [proposed] order regarding
4 the previously scheduled dates for dispositive motions.

5 WHEREAS, at the status conference on April 2, 2010, the Court advised the
6 parties that either party could file a dispositive motion as soon as such motion was
7 ready to be filed and that if a motion was filed on or before May 14, 2010 it could be
8 heard on July 2, 2010, which scheduling would allow for cross-motions to be briefed;

9 WHEREAS, the Court further advised the parties that that if no dispositive
10 motion is filed by May 14, 2010, the presently set July 2, 2010 hearing date would
11 proceed as a further status conference only if the parties felt a further status
12 conference would be appropriate;

13 WHEREAS, on April 7, 2010 an order was issued by the Court setting a
14 hearing date for dispositive motions of July 2, 2010 and a filing date for dispositive
15 motions of May 14, 2010 ;

16 WHEREAS, the parties and Court did not discuss or intend the dispositive
17 motion filing date of May 14, 2010 to be construed as the definitive and final
18 deadline for filing and hearing dispositive motions in this action as the parties
19 informed the Court that further discovery may be necessary prior to the filing of such
20 motions;

21 WHEREAS, Defendant has discovery outstanding and the parties did not file
22 dispositive motions on May 14, 2010 but still intend to do so at a later date;

23 WHEREAS, the parties have agreed to a briefing schedule that will apply when
24 dispositive motions are filed;

25 WHEREAS, the parties agree that it is prudent to clarify any ambiguity about
26 when dispositive motions can be filed;

27 NOW THEREFORE, the parties hereby stipulate, as follows:
28

- 1 1. The previously scheduled July 2, 2010 hearing date for dispositive
2 motions shall instead proceed as a further status conference;
- 3 2. The parties are not precluded from filing dispositive motions at a later
4 date;
- 5 3. If either party files a motion for summary judgment or partial summary
6 judgment, the party will notice the hearing on the motion for not less than 49 days
7 from the date of filing in order for the following sequential briefing schedule to
8 occur: Opposition to motion and cross motion, if any, both due 35 days before
9 hearing; opposition to cross-motion and reply on motion due 21 days before hearing;
10 reply on cross-motion due 14 days before the hearing.

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

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

COUNSEL FOR PLAINTIFFS

DATE: May 14, 2010

By: /s/ William A. Baird
WILLIAM A. BAIRD
JEFFREY K. COMPTON
Markun Zusman & Compton LLP
STEVE ELSTER
Law Office of Steve Elster

COUNSEL FOR DEFENDANTS

DATE: May 14, 2010

By: /s/ Mary Ferrer Hansbury
LINDA E. SHOSTACK
JAMES E. BODDY, JR.
MARY FERRER HANSBURY
Morrison & Foerster LLP

