

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  
 Concord, CA 94518-3617  
 Telephone: (925) 324-2159  
 Facsimile: (925) 945-1276

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

11 **MORRISON & FOERSTER LLP**  
 12 LINDA E. SHOSTAK, State Bar No. 64599  
 13 JAMES E. BODDY, JR., State Bar No. 65244  
 14 KATHRYN M. DAVIS, State Bar No. 203454  
 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**

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 RESCHEDULING CLASS**  
**CERTIFICATION SCHEDULE**  
**AND SETTING DISCOVERY**  
**DEADLINES**

**STIPULATION**

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Pursuant to Local Rules 16 and 7-12, Plaintiffs and Defendant, through their respective counsel, submit the following stipulation and [proposed] order regarding the class certification schedule and other discovery dates in this action.

WHEREAS, the current class certification schedule provides that Plaintiffs shall file a motion for class certification no later than October 23, 2009; Defendant shall file an opposition brief no later than November 20, 2009; Plaintiffs shall file a reply brief no later than December 23, 2009; and the hearing on certification shall take place on January 15, 2010;

WHEREAS, the parties recently agreed that Plaintiffs would dismiss one class representative and add an additional class representative;

WHEREAS, the first available date for taking this class representative's deposition is November 16, 2009 and the documents that Defendant may use in connection with this deposition likely cannot be produced to Plaintiffs prior to November 6, 2009;

WHEREAS, the parties believe it is necessary to complete the parties' respective depositions prior to the commencement of briefing on class certification issues;

WHEREAS, since September 10, 2009, Defendant has produced approximately 90,000 pages of documents;

WHEREAS, the parties are still meeting and conferring with respect to the documents produced; and

WHEREAS, the parties have met and conferred and believe that the proposed schedule adjustment and discovery deadlines will provide the parties with sufficient time to address outstanding discovery needs.

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NOW THEREFORE, the parties hereby stipulate, subject to Court approval, as follows:

1. Plaintiffs' class certification brief shall be filed no later than November 23, 2009; Defendant's opposition brief shall be filed no later than December 23, 2009; Plaintiffs' reply brief shall be filed no later than January 27, 2010; and the class certification hearing shall be on February 19, 2010 or any date thereafter as is convenient for the Court;
2. Plaintiff Iva Chiu's deposition shall occur on November 16, 2009, or such other date as mutually agreed by the parties, and any documents relating to Ms. Chiu shall be mutually exchanged (including all documents that may be used at her deposition) by no later than November 6, 2009, unless otherwise mutually agreed by the parties.
3. For the Case Management Conference presently set for October 9, 2009, at 3:00 p.m. to be vacated because the parties have reached an agreement on a revised certification schedule without the need for intervention from the Court;
4. For the Case Management Conference presently set for January 29, 2010, to be rescheduled to March 5, 2010, at 3:00 p.m. or any date as is convenient for the Court.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

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COUNSEL FOR PLAINTIFFS

DATE: October 7, 2009

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: October 7, 2009

By: /s/ Kathryn M. Davis  
LINDA E. SHOSTAK  
JAMES E. BODDY, JR.  
Morrison & Foerster LLP

**ECF CERTIFICATION**

I hereby attest that I have obtained concurrence regarding the filing of this document from each of the signatories within the e-filed document.

DATE: October 7, 2009

By: /s/ Kathryn M. Davis  
Kathryn M. Davis

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Susan Illston  
United States District Court Judge