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[COUNSEL LISTED ON NEXT PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DINO WILBURN, an individual, on behalf
of himself and others similarly situated,

Plaintiff,

vs.

BLOCKBUSTER INC., and DOES 1
through 25, inclusive,

Defendants.

Case No. 3:08-CV-01249-JSW

**STIPULATED MOTION AND ~~PROPOSED~~
ORDER] TO EXTEND THE SEPTEMBER
4, 2008 DEADLINE FOR PLAINTIFF TO
AMEND THE COMPLAINT**

No hearing date set

Current deadline: September 4, 2008

Requested new deadline: September 9, 2008

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28 Attorneys for Plaintiff Wilburn

1 1. On June 6, 2008, the Court held a case management conference attended by counsel for
2 plaintiff and defendant. On that date the Court issued a Civil Minute Order (Document No. 13)
3 setting a deadline of September 4, 2008 to amend the complaint.

4 2. Since that date, the parties have been engaged in both informal and formal discovery with
5 a goal of determining if it is possible to settle this case. The parties are continuing in their efforts
6 to see if this case can be resolved without further proceedings.

7 3. Plaintiff's attorneys have been attempting to understand and analyze the wage and hour
8 database data produced by Defendant. Plaintiff's state that although they are very close to
9 completing their analysis of the database data, it would be very difficult to meet the current
10 deadline of Thursday, September 4, 2008.

11 4. In addition, Plaintiff's lead attorney Susan Seemiller has had to travel to Wyoming to
12 attend to her father, who was in the last stages of a terminal illness, and who died over the past
13 Labor Day weekend. Ms. Seemiller is not expected back in the office until Wednesday,
14 September 3, 2008, the day before the current September, 4 deadline to amend the complaint.

15 5. Accordingly, Plaintiff and Defendant stipulate that the deadline for amending the
16 complaint be extended as follows:

17 Current deadline: Thursday, September 4, 2008

18 Proposed new deadline: Tuesday, September 9, 2008.

20 Dated: September 2, 2008


BAILEY PINNEY, PC
JOSE R. MATA
SUSAN SIMONS SEEMILLER

23 By 151
24 _____
25 Jose R. Mata
26 Attorney for Plaintiff
27 DINO WILBURN.
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Dated: September 2, 2008

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DONNA MO

By 
Rebecca D. Eisen
Shannon B. Nakabayashi
Attorneys for Defendant
BLOCKBUSTER INC.

PURSUANT TO STIPULATION, IT IS ORDERED that Plaintiff's deadline for filing a motion or stipulation for amendment of the complaint is extended to September 9, 2008.

Dated: September 3, 2008

By 
UNITED STATES DISTRICT JUDGE
Jeffrey S. White