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10 Attorneys for Defendants

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 12 UNITED STATES DISTRICT COURT  
 13 NORTHERN DISTRICT OF CALIFORNIA  
 14 SAN FRANCISCO DIVISION

15 BYERS *et al.*, ) CASE NO. CV 08 1870 (SC)  
 16 Plaintiffs, )  
 17 v. ) STIPULATION AND ~~PROPOSED~~ ORDER  
 ) RE FILING OF FOURTH AMENDED  
 ) COMPLAINT  
 18 SERVICE EMPLOYEES INTERNATIONAL )  
 UNION, *et al.*, )  
 19 Defendants. )  
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 24 Stipulation and [Proposed] Order re Filing of Fourth Amended Complaint Case No. 08-1870 SC

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This case was originally filed on April 8, 2008, and was transferred to this Courtroom on July 1, 2008. On January 6, 2009, plaintiffs filed their Third Amended Complaint, seeking injunctive relief and other forms of relief as well.

The plaintiffs allege that, since the filing of the Third Amended Complaint, certain of the parties to this action have taken actions that the plaintiffs believe warrant further amendments to the Third Amended Complaint. Without comment on the merits of any allegation, counsel for all parties are willing to stipulate that plaintiffs may file a Fourth Amended Complaint before this Court hears any motion challenging the merits of the Third Amended Complaint.

The Initial Case Management Conference is set for April 17, 2009, and the terms of the stipulation set forth below will not require that Conference date to change, unless the court so orders.

Thus, the parties, by and through their counsel, agree and request an Order as follows:

- (1) On or before March 13, 2009, the Plaintiffs will file a Fourth Amended Complaint.
- (2) The motion to dismiss currently calendared for April 17, 2009 is taken off calendar by defendants, without prejudice to re-filing appropriate motions after being served with the Fourth Amended Complaint.
- (3) Defendants' motion to dismiss or other responsive pleading to the Fourth Amended Complaint will be filed on or before April 10, 2009, and, as applicable, will be set for hearing on May 29, 2009 at 10:00 a.m., or the next available date.

The Initial Case Management Conference will be set for the first available date after the hearing on the motion to dismiss, and the Rule 26(f) report of the parties shall be due one week before the Initial Case Management Conference.

IT IS SO STIPULATED

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Dated: February 24, 2009

BREDHOFF & KAISER

By:     /s/Leon Dayan    

Attorneys for All Defendants

Dated: February 24, 2009

SIEGEL & LEWITTER

By:     /s/Latika Malkani    

Attorneys for All Plaintiffs

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~~—[PROPOSED]~~ ORDER

Puruisant to the stipulation of the parties;

(1) On or before March 13, 2009, the Plaintiffs will file a Fourth Amended Complaint.

(2) The motion to dismiss currently calendared for April 17, 2009 is taken off calendar by defendants, without prejudice to re-filing appropriate motions after being served with the Fourth Amended Complaint.

(3) Defendants’ motion to dismiss or other responsive pleading to the Fourth Amended Complaint will be filed on or before April 10, 2009, and, as applicable, will be set for hearing on 5/29, 2009.

The Initial Case Management Conference will be set for the first available date after the hearing on the motion to dismiss, and the Rule 26(f) report of the parties shall be due on or before 6/19, 2009. The Case Management Conference is set for 7/19/09 at 10:00 a.m.

IT IS SO ORDERED:

Dated: 2/25, 2009

The Hon onti  
