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7 Attorneys for Plaintiff and the proposed class

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

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 12  
 13 GOLDENE SOMERVILLE,  
 individually and on behalf of all others  
 14 similarly situated,

15 Plaintiff,

16 vs.

17  
 18 STRYKER ORTHOPEDICS (aka  
 19 STRYKER ORTHOPEDICS; aka  
 STRYKER ORTHOPEDICS, INC.);  
 20 HOWMEDICA OSTEONICS  
 21 CORPORATION; STRYKER  
 CORPORATION; and STRYKER  
 22 SALES CORPORATION,

23 Defendants.

CASE NO. 08-cv-02443-JSW

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 26  
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 28  
**STIPULATION AND ~~PROPOSED~~**  
**ORDER FOR MODIFICATION OF**  
**CASE MANAGEMENT ORDER**

1           WHEREAS, on December 21, 2008, the parties filed a Joint Case Management  
2 Statement and Proposed Case Management Order.

3           WHEREAS, the parties filed the Joint Case Management Statement and Proposed  
4 Case Management Order based on the filing of the original Complaint filed in the matter.

5           WHEREAS, on January 7, 2009, the Court entered an Order which stated in part:  
6 “The case management (*sic*) set to follow the hearing is VACATED and shall be reset, if  
7 necessary, by further order.”

8           WHEREAS, on January 7, 2009, the Court granted Defendant’s motion to dismiss  
9 Plaintiff’s complaint, with leave to amend the complaint.

10           WHEREAS, on February 6, 2009, Plaintiff filed an amended complaint.

11           WHEREAS, on February 26, 2009, Defendants filed a motion to dismiss, with the  
12 motion currently set for May 1, 2009.

13           WHEREAS, beginning on March 11, 2009, the parties have been working together  
14 to modify the submitted Joint Case Management And Proposed Case Management Order  
15 in the event the filed motion to dismiss is denied.

16           WHEREAS, on March 12, 2009, the Court signed a Joint Case Management And  
17 Proposed Case Management Order.

18           WHEREAS, pursuant to the Joint Case Management And Proposed Case  
19 Management Order set the filing deadline for class certification briefing for March 13,  
20 2009.

21           WHEREAS, based on the Court’s vacating of the case management hearing, the  
22 parties have not conducted any class certification discovery to date.

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1 Counsel report that they have met and conferred regarding the Case Management  
2 Order and have reached the following stipulation pursuant to Civil L.R. 16-8:

3 The parties agree to the following modified schedule:

4		
5	April 13, 2009	Fed. R. Civ. P. 26(a) Disclosures
6		
7	April 13, 2009	Last date to Amend Pleadings
8		
9	August 3, 2009	Date on which discovery on class issues will be
10		complete
11		
12	August 17, 2009	Last date for plaintiffs to file a motion for class
13		certification
14		
15	September 14, 2009	Last date for defendants to file opposition to
16		plaintiffs motion for class certification
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18	September 28, 2009	Last date for plaintiffs to file reply brief in
19		support of motion for class certification
20	October 6, 2009 at 9:00 a.m.	Last day to hear motion for class certification
21	December 31, 2009	Last date to complete fact discovery
22		
23	January 29, 2010	Last date to file plaintiffs' expert reports
24		
25	March 4, 2010	Last date to file defendants' expert reports
26		
27	May 14, 2010	Last day to hear dispositive motions
28		

1 June 28, 2010

Pretrial Conference

2

3 ~~July 12, 2010~~

Trial

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July 19, 2010 at 8:00 a.m.

5

6 Dated: March 13, 2009

**KABATECK BROWN KELLNER LLP**

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/s/

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MICHAEL V. STORTI

*Attorneys for Plaintiff Goldene Somerville  
and the Class*

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12 Dated: March 13, 2009

**KASOWITZ, BENSON, TORRES  
& FRIEDMAN LLP**

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/s/

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WILLIAM M. GOODMAN

*Attorneys for Defendants*

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19 PURSUANT TO STIPULATION, IT IS SO ORDERED

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23 Dated: March 16, 2009

  
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HONORABLE JEFFERY S. WHITE

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