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 Vector Marketing Corporation

8
 9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

11 ALICIA HARRIS, as an individual and on
 behalf of all others similarly situated,

12 Plaintiffs,

13 vs.

14 VECTOR MARKETING
 15 CORPORATION, a Pennsylvania
 corporation; and DOES 1 through 20,
 16 inclusive,

17 Defendants.

No.: CV 08-5198 EMC

**JOINT STIPULATION RE
 CONTINUANCE OF RULE 23
 NOTICE AND OPT-OUT
 DEADLINES; [PROPOSED] ORDER**

Complaint Filed: October 15, 2008
 Trial Date: June 6, 2011

REED SMITH LLP
 A limited liability partnership formed in the State of Delaware

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1 Plaintiff Alicia Harris (“Plaintiff” or “Harris”) and Defendant Vector Marketing
2 Corporation (“Defendant” or “Vector”) enter into this joint stipulation with reference
3 to the following facts:

4 **RECITALS**

5 A. WHEREAS on November 5, 2010, the Court issued its Order Granting
6 Plaintiff’s Motion to Certify FLSA Collective Action; Denying Defendant’s Motion to
7 Decertify; Granting in Part and Denying in Part Plaintiff’s Motion to Certify Rule 23
8 Class Action; and Granting in Part and Denying in Part Defendant’s Cross-Motion to
9 Deny Certification (“Certification Order”) (Docket 375).

10 B. WHEREAS on November 8, 2010, Vector filed its Ex Parte Application
11 to Stay, or, in the Alternative to Continue, Class Notice and Opt-Out Deadlines (“*Ex*
12 *Parte* Application”) (Docket 376).

13 C. WHEREAS on November 9, 2010, Plaintiff filed her Opposition to
14 Vector’s Ex Parte Application (Docket 378).

15 D. WHEREAS on November 10, 2010, the Court conducted a telephonic
16 conference call to discuss: (1) irreparable harm potentially resulting from issuance of
17 the Rule 23 class notice, including the approximate cost of mailing that class notice,
18 and who bears the cost; and (2) what discovery would need to be deferred until after
19 the proposed new Rule 23 opt out deadline.

20 E. WHEREAS the Court advised the parties that it would grant Vector’s
21 request for a 30 day continuance of the dates related to the issuance of the class notice
22 if the parties could reach agreement regarding the maximum number of depositions
23 Vector could take after the deadline for opt-outs and before the non-expert discovery
24 cut-off date on March 2, 2011.

25 F. WHEREAS on November 12, 2010, the Court signed the Stipulation and
26 Order re 30-day Continuance of Rule 23 Notice and Opt-Out Deadline.

1 G. WHEREAS on November 22, 2010, Vector filed its Petition for
2 Permission to Appeal under Federal Rule of Civil Procedure 23(f) in the Ninth Circuit
3 Court of Appeal.

4 H. WHEREAS on December 2, 2010, Plaintiff/Respondent filed her Answer
5 to Petition for Permission to Appeal under Federal Rule of Civil Procedure 23(f).

6 I. WHEREAS the Ninth Circuit has not acted on the Petition.

7 J. WHEREAS, in or about early December 2010, Vector asked Plaintiff to
8 agree to a further deferral of the Rule 23 class notice from December 13, 2010 to
9 January 12, 2011;

10 K. WHEREAS, in consideration of Plaintiff's agreement to a further deferral
11 of Rule 23 class notice and as memorialized in the joint stipulation filed on December
12 8, 2010 (docket no. 385), Vector agreed that it will not take any depositions of non-
13 expert witnesses, and the parties reached other agreements relating to discovery
14 matters that have been documented between the parties themselves; and

15 L. WHEREAS, the parties have agreed to another continuance of the
16 deadline to issue the Rule 23 class notice, given that the Ninth Circuit has not acted on
17 Vector's Rule 23(f) Petition as of the date of this joint stipulation.

18 K. WHEREAS, Vector has agreed to withdraw its *Ex Parte* Application Re:
19 Shortened Notice on Motion to Stay Action filed on January 4, 2011, without
20 prejudice to refileing it in the future, in consideration for Plaintiff's agreement to a
21 further continuance of the Rule 23 notice and opt-out deadlines.

22 **STIPULATION**

23 NOW, THEREFORE, it is hereby stipulated by the parties, through their
24 respective counsel of record, as follows:

25 1. The deadline for mailing the Rule 23 class notice is continued from
26 January 12, 2011 to February 9, 2011;

