

REED SMITH LLP

A limited liability partnership formed in the State of Delaware

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Attorneys for Defendant
Vector Marketing Corporation

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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

Plaintiffs,

vs.

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

Defendants.

No.: CV 08-5198 EMC

**JOINT STIPULATION RE
SHORTENED NOTICE ON
VECTOR'S MOTION TO STAY
ACTION PENDING NINTH
CIRCUIT RESOLUTION OF RULE
23(F) PETITION; [PROPOSED]
ORDER**

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

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 19, 2010, Vector filed its Petition for
11 Permission to Appeal under Federal Rule of Civil Procedure 23(f) (“Rule 23(f)
12 Petition”) in the Ninth Circuit Court of Appeal of this Court’s November 5, 2010
13 Certification Order;

14 C. WHEREAS, through stipulation and with Court approval, the parties
15 agreed to incremental postponement of the issuance of the notice to the certified class
16 pending resolution of Vector’s Rule 23(f) Petition and, most recently, stipulated that
17 the notice would be mailed on February 9, 2011 without prejudice to Vector’s filing of
18 a motion to stay the action until disposition of its Rule 23(f) Petition by the Ninth
19 Circuit (see Docket 381, 386, 390),

20 D. WHEREAS, the Ninth Circuit has not acted on the Rule 23(f) Petition;

21 E. WHEREAS, Plaintiff does not agree to any further continuances of the
22 mailing of the class notice as it would necessitate either the moving of the deadline for
23 dispositive motions to be heard, and/or the continuance of the trial date;

24 F. WHEREAS, Vector has filed an *ex parte* application for shortened notice
25 on its Motion to Stay Action Pending Ninth Circuit Disposition of its Rule 23(f)
26 Petition;

27 G. WHEREAS, in order to accomplish the mailing of the certification notice
28 on February 9, 2011, the claims administrator has advised the parties that it would

1 need to commence the printing of the "notice packet" by no later than February 4,
2 2011; and

3 H. WHEREAS, the parties have agreed to an expedited briefing schedule on
4 Vector's underlying motion to stay action so that the hearing and ruling by the Court
5 could be completed prior to the February 4 printing commencement date.

6
7 **STIPULATION**

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

10 1. Vector's Motion to Stay Action Pending Ninth Circuit Disposition of
11 Rule 23(f) Petition shall be deemed to have been filed on January 26, 2011;

12 2. Plaintiff's opposition to Vector's motion to stay shall be filed on or
13 before Monday, January 31, 2011;

14 3. Vector's reply shall be filed by 2 p.m. on February 1, 2011 and faxed to
15 the Court's chambers;

16 5. The hearing on Vector's Motion shall be set on Wednesday, February 2,
17 2011, at 10:30 a.m. or on a date as soon thereafter as possible based upon the Court's
18 convenience.

19 IT IS SO STIPULATED.

20 Dated: January 26, 2011

REED SMITH LLP

21 By /S/

22 Roxanne M. Wilson
23 Attorneys for Defendant
VECTOR MARKETING CORPORATION

24 Dated: January 26, 2011

MARLIN & SALTZMAN

25 By /S/

26 Stanley D. Saltzman
27 Attorneys for Plaintiff
ALICIA HARRIS

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ORDER

Based on the above stipulation, IT IS SO ORDERED that:

1. Vector's Motion to Stay Action Pending Ninth Circuit Disposition of Rule 23(f) Petition shall be deemed to have been filed on January 26, 2011;

2. Plaintiff's opposition to the Motion to Stay shall be filed on or before Monday, January 31, 2011;

3. Vector's reply shall be filed by ^{12:00 pm}~~2 p.m.~~ on February 1, 2011 and faxed to the Court's chambers;

5. The hearing on the Motion to Stay shall be heard on Wednesday, February 2, 2011, at 10:30 a.m.

Dated: 1/27, 2011

