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Attorneys for Defendant Trex Company, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEAN MAHAN, GRETCHEN SILVERMAN, J.
STEPHEN TISDALE, STEVEN MCKENNA,
THOMAS SCHAUPPNER, MARJORIE
ZACHWIEJA, JOHN FORCELLA, SHEILA
SHAPIRO, SABRINA W. HASS and DR.
LANNY W. HASS, AMY BIONDI-HUFFMAN,
and BRIAN HATHAWAY, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

TREX COMPANY, INC., a Delaware
corporation,

Defendant.

Case No. CV 09-00670-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER REQUESTING REVISION OF
SCHEDULE AS IT PERTAINS TO
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION**

RECYCLED PAPER

1 Per the Civil Standing Orders of the Honorable Jeffrey S. White, to whom this case was
2 recently re-assigned, plaintiffs Dean Mahan, Gretchen Silverman, J. Stephen Tisdale, Steven
3 McKenna, Thomas Schauppner, Marjorie Zachwieja, John Forcella, Sheila Shapiro, Sabrina W. Hass
4 and Dr. Lanny W. Hass, Amy Biondi-Huffman, and Brian Hathaway, and defendant Trex Company,
5 Inc. (“Trex”), by and through their respective counsel of record, stipulate, and respectfully ask the
6 Court, to extend the deadlines relating to plaintiffs’ motion for class certification.

7 Currently, as reflected in the Court’s order filed March 23, 2011 (Docket No. 189), those
8 deadlines are as follows:

9 Motion for class certification: October 28, 2011;

10 Opposition to class certification: November 30, 2011, with a reservation of the
11 right to seek an extension of this deadline if needed to conduct discovery for
12 issues raised in the Motion for Class Certification;

13 Reply in support of class certification: December 15, 2011, with potential
14 extension if Opposition date is extended;

15 Hearing on motion for class certification: January 13, 2012.

16 The parties have met and conferred regarding the schedule and outstanding discovery,
17 and they hereby stipulate and request that the Court amend the schedule as follows:

18 Motion for class certification: January 6, 2012;

19 Opposition to class certification: February 6, 2012, with a reservation of the
20 right to seek an extension of this deadline if needed to conduct discovery for
21 issues raised in the Motion for Class Certification;

22 Reply in support of class certification: February 21, 2012, with potential
23 extension if Opposition date is extended;

24 Hearing on motion for class certification: March 23, 2012, or as otherwise
25 scheduled by the Court.

26 In order to establish good cause for the approval of their request, the parties state the
27 following:

28 1. This case is a proposed nationwide class-action lawsuit involving plaintiffs’
allegations relating to spotting and mold on Trex decking material. Plaintiffs and proposed class

1 representatives reside in the states of California, Connecticut, Florida, Illinois, Maryland, Michigan,
2 New Jersey, New York, North Carolina, Ohio, and Washington. No specific trial date has yet been
3 ordered by the Court.

4 2. Plaintiffs propounded their first discovery requests, including their first interrogatories
5 and requests for production, to defendant Trex on March 18, 2011. The parties have met and
6 conferred diligently regarding Trex's production in response to plaintiffs' requests. Trex has
7 produced documents in response to plaintiffs' requests in eight separate installments. Its most recent
8 production was on September 29, 2011. Trex has advised that its September 29, 2011 installment
9 completes its production in response to plaintiffs' first requests for production.

10 3. The parties agree that more time is needed before plaintiffs file their motion for class
11 certification, in order to accomplish the following:

12 a. Plaintiffs' review of the documents produced by Trex, including many that are
13 of a technical nature, is ongoing, but due to the timing of the production, plaintiffs need more
14 time to process Trex's production before moving for class certification.

15 b. Plaintiffs also anticipate submitting document subpoenas to third parties as
16 suggested by Trex's discovery responses.

17 c. Further, in connection with class certification, plaintiffs will be seeking expert
18 consultation with respect to the materials produced by Trex; they need more time to process
19 documents for that purpose.

20 d. In addition, plaintiffs will conduct targeted deposition discovery now that Trex
21 has indicated that its document production is complete.

22 e. Plaintiffs will then need time to draft their motion and supporting papers.

23 f. Also, Trex is in the process of deposing plaintiffs, and it anticipates completing
24 the depositions it has noted by the end of this month, October 2011.

25 g. Additionally, Trex has requested inspections of each plaintiff's deck, and the
26 parties are in the process of scheduling those inspections.

27 For the foregoing reasons, the parties submit that there is good cause to revise the schedule for
28 plaintiffs' motion for class certification as requested. Their request is for a short extension of

1 somewhat over two months, stretching over the holiday season, in which to continue working toward
2 a decision on class certification. They ask respectfully that the Court accept the revised schedule they
3 submit.

4
5 DATED: October 11, 2011.

HAGENS BERMAN SOBOL SHAPIRO LLP

6
7 By /s/ Robert F. Lopez

8 Steve W. Berman
9 Tyler S. Weaver
10 Robert F. Lopez

11 *Attorneys for Select Plaintiffs and Lead Counsel
for the Proposed Class*

12 DATED: October 11, 2011.

K&L GATES LLP

13
14 By: /s/ Patrick J. Perrone

15 Patrick J. Perrone
16 Todd L. Nunn

17 *Attorneys for Defendant Trex Company, Inc.*

[PROPOSED] ORDER

The foregoing Stipulation having been reviewed, and good cause appearing therefor, the requested scheduling change is hereby ORDERED and approved. The schedule as it pertains to plaintiffs' motion for class certification is revised as follows:

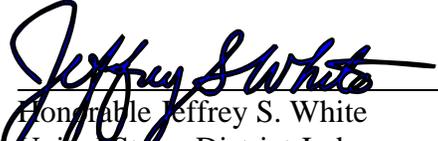
Motion for class certification: January 6, 2012;

Opposition to class certification: February 6, 2012, with a reservation of the right to seek an extension of this deadline if needed to conduct discovery for issues raised in the Motion for Class Certification;

Reply in support of class certification: February 21, 2012, with potential extension if Opposition date is extended;

Hearing on motion for class certification: March 23, 2012, ~~or as otherwise scheduled by the Court~~ at 9:00 a.m. The Court
HEREBY SCHEDULES a further case management conference to be held on March 23, 2012, immediately following the hearing on the motion for class certification.

Dated: October 12, 2011



Honorable Jeffrey S. White
United States District Judge