

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

HAGENS BERMAN SOBOL SHAPIRO LLP
1918 Eighth Avenue, Suite 3300
Seattle, WA 98101
Telephone: 206.623.7292
Facsimile: 206.623.0594

Steve W. Berman (*pro hac vice*)
steve@hbsslw.com
Tyler S. Weaver (*pro hac vice*)
tyler@hbsslw.com
Robert F. Lopez (*pro hac vice*)
robl@hbsslw.com

Attorneys for Select Plaintiffs and Lead Counsel
for the Proposed Class

K&L GATES LLP
Four Embarcadero Center, Suite 1200
San Francisco, CA 94111-5994
Telephone: 415.882.8200
Facsimile: 415.822-8220

Patrick J. Perrone (*pro hac vice*)
patrick.perrone@klgates.com
Todd L. Nunn (*pro hac vice*)
todd.nunn@klgates.com

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 CONTINUING CASE
MANAGEMENT CONFERENCE
AS MODIFIED**

1 Per the Civil Standing Orders of the Honorable Jeffrey S. White, plaintiffs and defendant Trex
2 Company, Inc. (“Trex”), by and through their respective counsel of record, stipulate and respectfully
3 ask the Court to continue the due-date for their Case Management Statement, presently due on June
4 29, 2012, and to continue the Case Management Conference, which presently is scheduled for July 6,
5 2012. *See* April 24, 2012 Order Granting as Modified Joint Motion To Continue April 27, 2012 Case
6 Management Conference (Dkt. No. 227). The parties continue to work toward a settlement and have
7 agreed to attend another in-person mediation session in July 2012, as soon as a mutually available
8 date can be found on the mediator’s schedule.

9 The parties stipulate and request that the case schedule be suspended for six weeks from the
10 date of entry of this order so that they can mediate and attempt to settle this matter as set forth above.
11 The parties will report the results of their efforts to settle this matter after they determine whether
12 they can settle the matter at this time or not, and no later than five (5) days following the expiration of
13 the six-week period referenced above. If the parties report that they have been unable to settle this
14 matter, then with their report they will ask that the Court decide Trex’s pending motion to transfer
15 and, if the motion to transfer is denied, that the Court set a case management conference for the
16
17
18
19
20
21
22
23
24
25
26
27
28

1 earliest availability on the Court's calendar (with the parties' case management statement due seven
2 (7) days before the case management conference).

3
4 DATED: June 29, 2012.

HAGENS BERMAN SOBOL SHAPIRO LLP

5
6 By /s/ Robert F. Lopez

7 Steve W. Berman

8 Tyler S. Weaver

9 Robert F. Lopez

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

11 DATED: June 29, 2012.

K&L GATES LLP

12
13 By: /s/ Patrick J. Perrone

14 Patrick J. Perrone

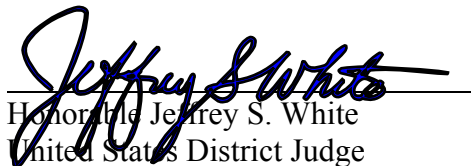
15 Todd L. Nunn

16 *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 Court HEREBY CONTINUES the case management conference to September 7, 2012. The Court FURTHER ORDERS that the pending motion to transfer is STRICKEN without prejudice to refiling if the parties do not settle.

Dated: July 3, 2012 _____



Honorable Jeffrey S. White
United States District Judge

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28