

1 CHAD A. STEGEMAN (SBN 225745)
 (cstegeman@akingump.com)
 2 **AKIN GUMP STRAUSS HAUER & FELD LLP**
 580 California Street, Suite 1500
 3 San Francisco, CA 94104
 Telephone: (415) 765-9500
 4 Facsimile: (415) 765-9501

5 JAMES J. SCHESKE (*admitted pro hac vice*)
 (jscheske@akingump.com)
 6 **AKIN GUMP STRAUSS HAUER & FELD LLP**
 5300 West 6th Street, Suite 2100
 7 Austin, Texas 78701
 Telephone: (512) 499-6200
 8 Facsimile: (512) 499-6290

9 Attorneys for Defendant Acer America Corporation

10 UNITED STATES DISTRICT COURT
 11 NORTHERN DISTRICT OF CALIFORNIA
 12 SAN FRANCISCO DIVISION
 13

14 LORA and CLAY WOLPH, on behalf of
 themselves and all others similarly situated,

15 Plaintiffs,

16 v.

17 ACER AMERICA CORPORATION, a
 18 California corporation,

19 Defendant.

Case No. CV 09 1314 JSW

**JOINT STIPULATION AND
 [PROPOSED] ORDER MODIFYING
 BRIEFING SCHEDULE FOR MOTION
 FOR CLASS CERTIFICATION**

Complaint Filed: March 25, 2009

1 Plaintiffs LAURA AND CLAY WOLPH (“Plaintiffs”) and Defendant ACER AMERICA
2 CORPORATION (“Defendant”) hereby enter into the following Joint Stipulation and [Proposed]
3 Order regarding the briefing schedule for Plaintiffs’ motion for class certification in the above-
4 captioned proceeding:

5 WHEREAS, Plaintiffs filed their Motion for Class Certification on November 22, 2010, in
6 which they included two expert declarations;

7 WHEREAS, Defendant subsequently requested available dates for Plaintiffs’ experts to submit
8 to depositions;

9 WHEREAS, counsel for Plaintiffs indicated on December 9, 2010, that neither expert would be
10 available for deposition before January 17, 2010;

11 WHEREAS, pursuant to a previous stipulation and order (Docket No. 91), Defendant’s
12 opposition to the motion for class certification is due to be filed January 24, 2010;

13 WHEREAS, pursuant to the parties’ meet and confer discussions, the parties agree that given
14 the experts’ unavailability, the briefing schedule for the motion for class certification should be
15 modified to allow Defendant adequate time to depose Plaintiffs’ experts and prepare its opposition;

16 THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

17 1. Defendant’s opposition to Plaintiffs’ motion for class certification shall be filed on
18 January 31, 2011;

19 2. Plaintiffs’ reply to Defendant’s opposition to Plaintiffs’ motion for class certification
20 shall be filed on February 28, 2011; and

21 3. The hearing date on Plaintiffs’ motion for class certification shall remain the same:
22 March 18, at 9:00 a.m.

23 IT IS SO STIPULATED.
24
25
26
27
28

1
2 DATED: December 10, 2010

/s/

3 Daniel L. Warshaw (185365)
dwarshaw@pswplaw.com
4 Bobby Pouya (245527)
bpouya@pswplaw.com
5 **Pearson, Simon, Warshaw & Penny, LLP**
15165 Ventura Boulevard, Suite 400
6 Sherman Oaks, CA 91403
Telephone: (818) 788-8300
7 Facsimile: (818) 788-8104

8 Michael P. Lehmann (77152)
mlehmann@hausfeldllp.com
9 **Hausfeld, LLP**
44 Montgomery Street, Suite 3400
10 San Francisco, CA 94104
Telephone: (415) 633-1908
11 Facsimile: (415) 693-0770

12 Richard S. Lewis
rlewis@hausfeldllp.com
13 James J. Pizzirusso
jpizzirusso@hausfeldllp.com
14 Melinda Coolidge
mcollidge@hausfeldllp.com
15 **Hausfeld, LLP**
1700 K Street NW
16 Washington, DC 20006
Telephone: (202) 540-7200
17 Facsimile: (202) 540-7201

18 Jori Bloom Naegele
jbnagele@gmail.com
19 Robert D. Gary
rdgary@gmail.com

20 **Gary, Naegele & Theado, LLC**
446 Broadway Avenue
21 Lorain, OH 44052
Telephone: (440) 244-4809
22 Facsimile: (440) 244-3462

23
24 Pursuant to General Order 45, I, Chad Stegeman attest that Daniel L. Warshaw has provided his
25 authority and concurrence to file the instant document and place his electronic signature on the
26 document, as set forth above.
27
28

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

DATED: _December 10, 2010

/s/

Chad Stegeman (225745)
cstegeman@akingump.com
Akin Gump Strauss Hauer & Feld LLP
580 California Street, Suite 1500
San Francisco, CA 94104
Telephone: (415) 765-9500
Facsimile: (415) 765-9501

James J. Scheske
jscheske@akingump.com
Akin Gump Strauss Hauer & Feld LLP
300 West 6th Street, Suite 2100
Austin, TX 78701
Telephone: (512) 499-6200
Facsimile: (512) 499-6290

Attorneys for Defendant Acer America Corporation

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: December 14, 2010



Jeffrey S. White
District Court Judge

I.