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17 **UNITED STATES DISTRICT COURT**
 18 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

19 LORA AND CLAY WOLPH, on behalf of
 20 themselves and all others similarly situated,
 21
 22 Plaintiffs,
 23
 24 vs.
 25 ACER AMERICA CORPORATION, a
 26 California corporation,
 27
 28 Defendant.

CASE NO. CV-09-01314 JSW
 (Assigned to the Honorable Jeffrey S. White)

CLASS ACTION
JOINT STIPULATION AND [~~PROPOSED~~]
ORDER MODIFYING BRIEFING
SCHEDULE ON MOTION FOR CLASS
CERTIFICATION

[Complaint Filed: March 25, 2009]

Plaintiffs LORA AND CLAY WOLPH (“PLAINTIFFS”) and Defendant ACER AMERICA CORPORATION (“DEFENDANT”) hereby enter into the following Joint Stipulation and [Proposed] Order regarding the briefing schedule for PLAINTIFFS’ Motion for Class Certification in the above-captioned matter:

WHEREAS, PLAINTIFFS filed their motion for class certification on November 22, 2010, in which they included two expert declarations;

WHEREAS, DEFENDANT noticed the deposition of PLAINTIFFS’ expert Ronald Alepin

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1 for January 17, 2011;

2 WHEREAS, PLAINTIFFS' counsel learned that Mr. Alepin became ill while traveling and
3 has lost his voice;

4 WHEREAS, counsel for the parties met and conferred and agreed to continue Mr. Alepin's
5 deposition to February 7, 2011;

6 WHEREAS, the parties further met and conferred and agreed to continue the filing date for
7 DEFENDANT's opposition to PLAINTIFFS' motion for class certification and PLAINTIFFS'
8 reply to the same and propose the following schedule:

9	Original Date	Proposed New Date	
10	Opposition to Motion for Class Certification	January 31, 2011	February 22, 2011
11	Plaintiffs' Reply Brief	February 28, 2011	March 7, 2011

12
13 WHEREAS, the parties propose that the March 18, 2011, 9:00 a.m. hearing regarding
14 PLAINTIFFS' motion for class certification remain unchanged;

15 **THE PARTIES HEREBY STIPULATE AND AGREE AND FOLLOWS;**

16 1. DEFENDANT's opposition to PLAINTIFFS' motion for class certification shall be
17 filed on February 22, 2011;

18 2. PLAINTIFFS' reply to DEFENDANT's opposition to PLAINTIFFS' motion for
19 class certification shall be filed on March 7, 2011; and

20 3. The hearing date on PLAINTIFFS' motion for class certification shall remain

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1 unchanged: March 18, 2011 at 9:00 a.m.

2 IT IS SO STIPULATED.

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4 DATED: January 14, 2011

/s/

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Attorneys for Plaintiffs and the Proposed Class

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1 DATED: January 14, 2011

AKIN GUMP STRAUSS HAUER & FELD LLP
JAMES J. SCHESKE
CHAD A. STEGEMAN
DAVID C. LAWRENCE

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3
4 By: _____/s/_____
5 DAVID C. LAWRENCE
6 Attorneys for Defendant Acer America Corporation

7 Pursuant to General Order 45, I, Daniel Warshaw, attest that David C. Lawrence provided
8 his authority and concurrence to file the instant document and place his electronic signature on the
9 document set forth above.

10 **ORDER**

11 **PURSUANT TO STIPULATION, AS MODIFIED BY THE COURT, IT IS**
12 **HEREBY ORDERED THAT**

13 DEFENDANT's opposition to PLAINTIFFS' motion for class certification shall be filed
14 on February 22, 2011;

15 PLAINTIFFS' reply to DEFENDANT's opposition to PLAINTIFFS' motion for class
16 certification shall be filed on March 7, 2011; and

17 The hearing date on PLAINTIFFS' motion for class certification is continued from
18 March 18, 2011, to March 25, 2011, at 9:00 a.m.

19 **IT IS SO ORDERED.**

20 DATED: January 17, 2011

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22 
23 _____
24 Jeffrey S. White,
25 Judge, United States District Court
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