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16 **UNITED STATES DISTRICT COURT**

17 **NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION**

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

19 Plaintiffs,

20 vs.

21 ACER AMERICA CORPORATION, a
22 California corporation,

23 Defendant.

CASE NO. CV-09-01314 JSW

CLASS ACTION

**JOINT NOTICE OF PROPOSED
SETTLEMENT AND [~~PROPOSED~~]
ORDER TO STAY DEADLINES**

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1 Plaintiffs Lora and Clay Wolph (“Plaintiffs”) and Defendant Acer America Corporation
2 (“Defendant”) hereby submit the following Joint Notice of Proposed Settlement and [Proposed]
3 Order to Stay Deadlines:

4 WHEREAS on April 30, 2012 the Court entered an Order setting remaining discovery,
5 briefing, and trial dates (Dkt. 158);

6 WHEREAS on July 12, 2012 the Court entered an Order continuing Plaintiffs’ obligation
7 to provide notice of class certification to the class (“Continued Notice Order”) (Dkt. 162);

8 WHEREAS the Continued Notice Order calls for the notice to the class to commence by
9 Friday, August 10, 2012;

10 WHEREAS the parties have been engaged in extensive settlement negotiations and have
11 reached a settlement agreement in principle regarding class relief and class notice that they hope to
12 submit to the Court for preliminary approval within the next 21 days;

13 WHEREAS the settlement of this class action lawsuit, if approved, will moot the pending
14 deadlines, as well as require notice to the class;

15 WHEREAS in light of the parties’ settlement agreement in principle regarding class relief
16 settlement to the class, proceeding with a separate notice with regard to class certification alone
17 would result in undue burden and expense to the parties and confusion to the class members;

18 WHEREAS the parties’ settlement agreement in principle regarding class relief and class
19 notice, if approved, would moot any other pending case deadlines.

20 THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

21 1. The deadline to distribute notice to the class and each of the deadlines set forth in the
22 Order Granting Plaintiffs’ Class Notice Plan dated June 13, 2012 (Dkt. 160) and the Minute

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1 Entry regarding case deadlines (Dkt. 157) shall be continued indefinitely until such time as the
2 Court rules on the parties' Motion for Preliminary Approval of the Settlement Agreement.

3 **IT IS SO STIPULATED**

4 DATED: August 6, 2012

/s/ Daniel L. Warshaw

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26 Pursuant to General Order 45, I, Daniel L. Warshaw, attest that David Lawrence has
27 provided his authority and concurrence to file the instant document and place his electronic
28

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1 signature on the document, as set forth below.

2 DATED: August 6, 2012

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11 The deadlines are HEREBY CONTINUED for eight weeks. Upon the filing of a motion for
12 preliminary approval of class action settlement, these deadlines will be vacated.

13 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

14 Dated: August 7, 2012



Honorable Jeffrey S. White
UNITED STATES DISTRICT COURT

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