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15 *Attorneys for Defendant Acer America Corporation*

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

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

20 Plaintiffs,

21 v.

22 ACER AMERICA CORPORATION, a
23 California corporation,

24 Defendant.

Case No. CV 09 1314 JSW

CLASS ACTION

JOINT STIPULATION AND
[PROPOSED] ORDER REGARDING
PLAINTIFFS' MOTION FOR CLASS
CERTIFICATION AND MEDIATION
COMPLETION DATE

25 Plaintiffs LORA AND CLAY WOLPH ("PLAINTIFFS") and Defendant ACER AMERICA
 26 CORPORATION ("DEFENDANT") hereby enter the following Joint Stipulation and [Proposed]
 27 Order Regarding Plaintiffs' Motion for Class Certification and Mediation Completion Date

1 (“Order”) in the above-captioned proceeding:

2 WHEREAS the current briefing schedule requires for PLAINTIFFS to file their Motion for
3 Class Certification on April 21, 2010, DEFENDANT to file its Opposition to PLAINTIFFS’
4 Motion for Class Certification on June 21, 2010; PLAINTIFFS to file their Reply to
5 DEFENDANT’S Opposition on July 21, 2010;

6 WHEREAS since entering into the aforementioned briefing schedule the parties have
7 exchanged discovery requests, scheduled depositions, met and conferred regarding
8 DEFENDANT’S responses and worked diligently in order to complete the discovery necessary to
9 file and oppose PLAINTIFFS’ Motion for Class Certification.

10 WHEREAS despite the parties best efforts to complete the discovery necessary for
11 PLAINTIFFS’ Motion for Class Certification, the following items are still pending completion:

12 (1) DEFENDANT’S search and production of all relevant documents requested by PLAINTIFFS;
13 (2) the production of documents in the possession, custody or control of the Taiwanese corporation
14 Acer, Inc.; (3) the production of documents subpoenaed by PLAINTIFFS from Microsoft
15 Corporation; (4) the production of documents to be subpoenaed from EMI; and (5) the deposition
16 of DEFENDANTS’ designated witnesses pursuant to Fed. R. Civ. Proc. 30(b)(6). The parties have
17 tentatively scheduled that all of the aforementioned discovery be completed in May 2010, subject
18 to the trial schedule of defense counsel.

19 WHEREAS pursuant to the parties’ meet and confer discussions, the parties agree that this
20 case is not ripe for settlement via mediation prior to the outcome of PLAINTIFFS’ Motion for
21 Class Certification. The parties have reached an impasse concerning the merits of PLAINTIFFS’
22 claims and do not think mediation would be valuable at this time.

23 THE PARTIES STIPULATE AND AGREE AS FOLLOWS:

- 24 1. PLAINTIFFS’ Motion for Class Certification shall be filed on July 22, 2010;
25 2. DEFENDANT’S Opposition to PLAINTIFFS’ Motion for Class Certification shall
26 be filed on September 21, 2010;
27 3. PLAINTIFFS’ Reply to DEFENDANT’S Opposition to PLAINTIFFS’ Motion for
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1 Class Certification shall be filed on October 21, 2010;

2 4. The hearing date on PLAINTIFFS' Motion for Class Certification shall be set for
3 Friday, November 19, 2010 at 9:00 a.m. or as soon thereafter at this matter may be heard.

4 5. The mediation completion date in the above-entitled action shall be reset at the
5 hearing regarding PLAINTIFFS' Motion for Class Certification.

6 **IT IS SO STIPULATED**

7 DATED: April 13, 2010

/s/

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1 DATED: April 13, 2010

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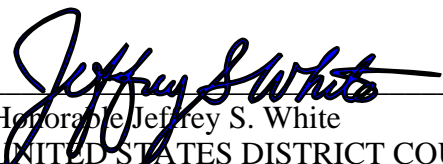
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10 The motion for class certification shall be heard on December 10, 2010 at 9:00 a.m.

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

12 Dated: April 15, 2010


Honorable Jeffrey S. White
UNITED STATES DISTRICT COURT