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15  
16 **UNITED STATES DISTRICT COURT**  
17 **NORTHERN DISTRICT OF CALIFORNIA**

18 **MELISSA S. CURRIE-WHITE,**  
19 individually and on behalf of all others  
similarly situated,

20 Plaintiff,

21 v.

22 **BLOCKBUSTER, INC. and DOES 1**  
23 through 50, inclusive,

24 Defendants.

Case No. C-09-2593 MMC

25  
26 **STIPULATION AND ~~PROPOSED~~ ORDER**  
**EXTENDING PRETRIAL PREPARATION**  
**ORDER DATES**

27 Crtrm: 7, 19<sup>th</sup> Floor

Judge: Honorable Maxine M. Chesney

1 Pursuant to Federal Rule of Civil Procedure Rule 16(b)(4) and Local Rule 7-12, the  
2 parties, by and through their undersigned counsel, hereby stipulate to extend the dates indicated in  
3 the Court's October 9, 2009, Pretrial Preparation Order as reflected in the attached [Proposed]  
4 Order. Good cause exists for this stipulated extension of time because the parties require  
5 additional time to complete pre-certification discovery prior to the filing of Plaintiff's Motion for  
6 Class Certification, which is currently set for March 12, 2010, as set forth below.  
7

8 Currently, the parties are in the process of completing pre-certification discovery. To  
9 date, the parties have propounded and responded to written discovery requests. The parties have  
10 also completed the deposition of Plaintiff and the deposition of Defendant Blockbuster with  
11 respect to several of the topics identified in the Deposition notice. However, significant  
12 discovery disputes have arisen which the parties have been unable to resolve informally despite  
13 numerous in person and telephonic meet and confer sessions. Specifically, some of Defendant's  
14 written discovery responses are limited to providing information relative to only the two (2)  
15 Blockbuster locations where plaintiff worked, as opposed to all of the Blockbuster stores located  
16 in California, as requested by Plaintiff. The other discovery dispute concerns Plaintiff's request  
17 to be provided with the names, last known addresses and telephone numbers (contact  
18 information) for the putative class members. Currently, the parties are in the process of finalizing  
19 the preparation of a joint letter brief regarding this issue that will be submitted to Magistrate  
20 Maria-Elena James. The parties anticipate that the joint letter brief will be submitted to  
21 Magistrate Maria-Elena James during the week of February 8, 2010. Thereafter, the parties  
22 anticipate that Magistrate Maria-Elena James will schedule oral argument regarding this issue. If  
23 Plaintiff's request is granted, Plaintiff will then need time to contact the putative class members  
24 prior to filing her Motion for Class Certification.  
25  
26

27 In addition to the above, the parties also require additional time to complete depositions  
28

1 prior to the filing of Plaintiff's Motion for Class Certification. Specifically, Plaintiff has  
 2 requested dates for the completion of five (5) additional depositions prior to filing her Motion for  
 3 Class Certification. Due to unanticipated conflicts with defense counsel and the Defendant's  
 4 respective calendars, it is apparent that these depositions will not be completed prior to the  
 5 current March 12, 2010 deadline for the filing of Plaintiff's Motion for Class Certification.  
 6

7 In addition, the parties also stipulate to a modified briefing schedule regarding the Class  
 8 Certification Motion which allows for additional discovery in the event that either party submits  
 9 evidence in support of, or in opposition to, the Class Certification Motion which was not  
 10 previously disclosed, i.e., declarations and or expert reports. Accordingly, the parties stipulate to  
 11 allowing Defendant sixty (60) days from the date of the filing of the Class Certification Motion  
 12 to take necessary discovery, if any, and file their Opposition papers, to allow Plaintiff thirty (30)  
 13 days from the filing of Defendant's Opposition papers to take necessary discovery, if any, and file  
 14 her Reply papers.  
 15

16 Based on the foregoing, the parties hereby jointly stipulate to an extension of the dates  
 17 indicated in the Court's October 9, 2009, Pretrial Preparation Order. Below is a table indicating  
 18 the original dates noted in the Court's October 9, 2009, Pretrial Preparation Order as well as the  
 19 new dates requested by the parties.  
 20

		<u>CURRENT DATE</u>	<u>NEW DATE</u>
21			
22	1. Deadline to Amend Pleadings:	3/5/10	5/14/10
23	2. Class Certification Filing Deadline:	3/12/10	5/21/10
24	A. Defendant's Opposition to	N/A	7/20/10
25	Class Certification Motion:		
26	B. Plaintiff's Reply in Support of	N/A	8/19/10
27	Class Certification Motion:		
28	C. Hearing on Class Certification Motion:	N/A	9/3/10

1	3.	Non-Expert Discovery Cut-Off:	6/25/10	10/29/10
2	4.	Expert Designations:	7/16/10	11/19/10
3	5.	Rebuttal Expert Designations:	7/30/10	12/3/10
4	6.	Expert Discovery Cut-Off:	8/20/10	12/23/10
5	7.	Joint Statement re: Status Conference:	8/20/10	12/30/10
6	8.	Status Conference:	8/27/10	1/7/11
7	9.	Dispositive Motion Filing Deadline:	9/3/10	1/14/11
8	10.	Meet and Confer re:	10/18/10	2/21/11
9		Pretrial Conference Statement:		
10	11.	Pretrial Conference:	11/16/10	3/29/11
11	12.	Trial:	12/6/10	4/18/11
12				
13				

14	Dated: February 11, 2010	Dated February 11, 2010
15	Morgan, Lewis & Bockius LLP	McInerney & Jones
16	By: _____/s/_____	By: _____/s/_____
17	Daryl Landy	Charles A. Jones
18	Attorneys for Defendant	Attorneys for Plaintiff
19	Blockbuster Inc.	And Others Similarly Situated

~~PROPOSED~~ ORDER

20 PURSUANT TO STIPULATION, IT IS SO ORDERED that the dates indicated in the Court's

21 Pretrial Scheduling Order will be extended and that the briefing on the Motion for Class

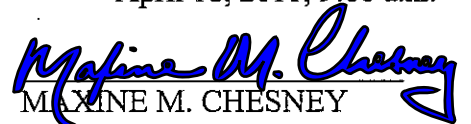
22 Certification is as reflected below:

- |    |    |                                      |               |
|----|----|--------------------------------------|---------------|
| 24 | 1. | Deadline to Amend Pleadings:         | May 14, 2010  |
| 25 | 2. | Class Certification Filing Deadline: | May 21, 2010  |
| 26 |    | A. Defendant's Opposition to         | July 20, 2010 |
| 27 |    | Class Certification Motion:          |               |
| 28 |    | B. Plaintiff's Reply in Support of   |               |

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- Class Certification Motion: August 19, 2010
- C. Hearing on Class Certification Motion: ~~September 3, 2010~~  
September 10, 2010
- 3. Non-Expert Discovery Cut-Off: October 29, 2010
- 4. Expert Designations: November 19, 2010
- 5. Rebuttal Expert Designations: December 3, 2010
- 6. Expert Discovery Cut-Off: December 23, 2010
- 7. Joint Statement re: Status Conference: December 30, 2010
- 8. Status Conference: January 7, 2011, 10:30 a.m.
- 9. Dispositive Motion Filing Deadline: January 14, 2011
- 10. Meet and Confer re: Pretrial Conference Statement: February 21, 2011
- 11. Pretrial Conference: March 29, 2011, 3:00 p.m.
- 12. Trial: April 18, 2011, 9:00 a.m.

Dated: February 12, 2010

  
MAXINE M. CHESNEY  
United States District Court Judge