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*and the Proposed Class*

8  
 9 **UNITED STATES DISTRICT COURT**  
 10 **NORTHERN DISTRICT OF CALIFORNIA**

11 CAROL POSTIER, on behalf of herself and all  
 others similarly situated,

12 Plaintiffs,

13 v.

14 LOUISIANA-PACIFIC CORP.,

15 Defendants.

CASE No. CV 09-3290 JCS

**JOINT STIPULATION AND**  
**[PROPOSED] ORDER CANCELLING**  
**CASE MANAGEMENT**  
**CONFERENCE**

Dept: Courtroom A (15th Floor)  
 Magistrate Judge Joseph C. Spero

17  
 18 The parties in the above-entitled action, by and through their respective attorneys, hereby  
 19 stipulate to the following and ask the Court to enter the Proposed Order set forth below:

20 1. WHEREAS, the Parties participated in formal mediation before Judge Fern Smith  
 21 (Ret.) at the JAMS offices in San Francisco, California on January 12, 2010, February 22, 2010,  
 22 March 10, 2010, and May 19, 2010, at which time substantial settlement negotiations took place  
 23 between the Parties; and

24 2. WHEREAS, additional substantial settlement negotiations took place between the  
 25 Parties, and, as a result, a nationwide class action Settlement Agreement has been reached,  
 26 subject to the Court approval process set forth herein; and

27 3. WHEREAS the Parties are currently drafting a joint Motion for an Order Granting  
 28 Preliminary Approval of the Settlement to be heard on October 15, 2010,

1 4. WHEREAS, in the interest of judicial economy and to avoid unnecessary  
2 expenditures, the Parties hereby jointly request that the Court take off calendar the Case  
3 Management Conference currently scheduled to be heard on September 17, 2010, pending the  
4 filing and hearing of said Motion on October 15, 2010.

5 5. WHEREAS, the Parties request that the joint Motion for an Order Granting  
6 Preliminary Approval of the Settlement be filed on shortened time, not less than 14 days before  
7 the October 15, 2010 hearing;

8 6. THEREFORE the Parties request that the Court enter the proposed Order below.

9 DATED: September 9, 2010

AUDET & PARTNERS, LLP

11 By: \_\_\_\_\_ /s/  
12 JOSHUA C. EZRIN  
13 Attorneys for Plaintiff

14 DATED: September 9, 2010

BINGHAM MCCUTCHEM, LLP

16 By: \_\_\_\_\_ /s/  
17 MICHAEL I. BEGERT  
18 Attorneys for Defendant

19 **[PROPOSED] ORDER**

20 Based on the foregoing stipulation of the Parties, who have entered into a Settlement  
21 Agreement to resolve all claims, it is the ORDER of this Court that the Case Management  
22 Conference scheduled to be held on September 17, 2010 is moot and taken off calendar pending  
23 the filing of the Motion for an Order Granting Preliminary Approval of the Settlement, which  
24 will be filed not less than 14 days before the proposed hearing of said Motion on October 15,  
25 2010 at 1:30 p.m. in Courtroom A, 15th Floor, of the above-captioned Court.

26 IT IS SO ORDERED.

27 DATED: 09/14/10

28 \_\_\_\_\_ /s/ Joseph C. Spero  
Magistrate Judge Joseph C. Spero

