

E-Filed 6/3/10

1 HOPE ANNE CASE, Bar No. 157089
 hope.case@dlapiper.com
 2 DLA PIPER LLP (US)
 2000 University Avenue
 3 East Palo Alto, CA 94303-2214
 Tel: 650.833.2000
 4 Fax: 650.833.2001

5 CARTER W. OTT, Bar No. 221660
 carter.ott@dlapiper.com
 6 DLA PIPER LLP (US)
 555 Mission Street, Suite 2400
 7 San Francisco, CA 94105
 Tel: 415.836.2500
 8 Fax: 415.836.2501

9 Attorneys for Defendant
 LUMETRA HEALTHCARE SOLUTIONS

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
 13 SAN FRANCISCO DIVISION

15 JAY E. MARTIN, on behalf of himself and
 all others similarly situated,
 16
 17 Plaintiff,
 18 v.
 19 LUMETRA CO., INC.,
 20 Defendant.

CASE NO. 3:09-cv-03478-RS

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING MOTION FOR
 CONDITIONAL CERTIFICATION AND
 PRELIMINARY SETTLEMENT
 APPROVAL**

21
 22
 23
 24
 25
 26
 27
 28

1 In accordance with the Court's May 13, 2010 Order, the parties hereby stipulate as
2 follows:

3 1. The parties shall file and serve a joint motion for conditional class certification and
4 preliminary approval of their class action settlement on or before June 3, 2010.

5 2. The hearing regarding the parties' joint motion for conditional class certification
6 and preliminary approval of their class action settlement shall be on July 8, 2010, at 1:30 p.m.

7 Dated: May 26, 2010

LANKENAU & MILLER LLP

8
9 By /s/ Stuart Miller

10 STUART MILLER
11 Attorneys for Plaintiff
12 JAY E. MARTIN

13 Dated: May 26, 2010

DLA PIPER LLP (US)

14 By /s/ Carter W. Ott

15 CARTER W. OTT
16 Attorneys for Defendant
17 LUMETRA HEALTHCARE SOLUTIONS

18 I, Carter Ott, am the ECF user whose ID and password are being used to file this
19 STIPULATION TO EXTEND TIME. In compliance with General Order 45, X.B., I hereby attest
20 that Stuart Miller has concurred in this filing.

21 **ORDER**

22 The parties' stipulation is hereby adopted by the Court. The parties shall file and serve
23 their joint motion for conditional class certification and preliminary approval of their class action
24 settlement on or before June 3, 2010. The Court shall hear that motion on ~~July 8,~~ July 15,
25 2010, 1:30 p.m.

26 Dated: 6/2/10

27 By 

28 HON. RICHARD SEEBORG
United States District Court Judge