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12 (ADDITIONAL COUNSEL LISTED ON LAST PAGE)

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

15 ALEJANDRO JUAREZ, et al.,

16 Plaintiffs,

17 v.

18 JANI-KING OF CALIFORNIA, INC., a Texas
 Corporation, et al.,

19 Defendants.

Case No.: CV09-03495 SC

**STIPULATION AND [PROPOSED] ORDER
 EXTENDING DEADLINE TO PARTICIPATE
 IN ADR**

20 Complaint filed: June 22, 2009

21 JANI-KING OF CALIFORNIA, INC., a Texas
 Corporation,

22 Counterclaimant,

23 v.

24 ALEJANDRO JUAREZ and MARIA
 25 JUAREZ,

26 Counterclaim Defendants.

1 Pursuant to Civil Local Rules 6-2, 7-12, 16-8, and ADR Local Rule 3-5, Plaintiffs Alejandro
2 Juarez, Maria Juarez, Luis A. Romero and Maria Portillo (“Plaintiffs”) and Defendants Jani-King of
3 California, Inc., Jani-King, Inc., and Jani-King International, Inc. (“Defendants”), hereby state as
4 follows:

5 1. On January 6, 2010, this Court entered its Order Selecting ADR Process pursuant to
6 the parties’ stipulation that the parties would participate in private ADR through ADR Services, or
7 another neutral to be agreed on by the parties, 45 days after the Court’s ruling on Plaintiffs’ motion
8 for class certification. (Dkt. 38.)

9 2. On March 4, 2011, this Court issued its Order Denying Plaintiffs’ Motion to Certify
10 the Class, and set a Case Status Conference for April 29, 2011. (Dkt. 130.)

11 3. On January 22, 2010, this Court held an initial Status Conference (Dkt. 40) ordering
12 that discovery be bifurcated (class/merits). Accordingly, prior to this Court’s order on class
13 certification the parties had only engaged in discovery related to class certification.

14 4. The parties anticipate the need to conduct merits based discovery prior to having a
15 meaningful mediation, including, for example, to conduct an assessment of damages.

16 5. The parties have met and conferred regarding their availability. The parties agree that
17 they need additional time to conduct merits discovery. Thus, in light of their limited availability due
18 to other scheduling matters, the parties have agreed to August 1, 2011 to participate in private ADR.

19 6. Accordingly, for good cause shown, the parties hereby stipulate that:

- 20 i. the Stipulation and Order Selecting ADR Process entered on January 6, 2010
21 setting a deadline for participating in Private ADR to a date no later than 45
22 days after the Court’s order on Plaintiff’s Motion for Class Certification be
vacated; and
23 ii. the deadline for parties to participate in Private ADR be continued to Monday,
24 August 1, 2011.

25 DATED: April 18, 2011

Respectfully submitted,

26 THE STURDEVANT LAW FIRM
A Professional Corporation

27 TALAMANTES/VILLEGAS/CARRERA, LLP

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4 Whitney Huston
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5 FAEGRE & BENSON, LLP

6 By: /s/ Eileen M. Hunter
7 Eileen M. Hunter
8 Kerry L. Bundy
9 Aaron Van Oort
Attorneys for Defendants

10 BARTKO, ZANKEL, TARRANT & MILLER

11 By: /s/ Benjamin K. Riley
12 Benjamin K. Riley
Attorneys for Defendants

13
14 **[PROPOSED] ORDER**

15 Pursuant to the Stipulation above, the Order Selecting ADR Process is hereby VACATED.
16 The above-captioned matter is hereby referred to Private ADR. The deadline for participating in
17 such ADR session shall be: August 1, 2011.

18 IT IS SO ORDERED.

19 Dated: April 19, 2011

20 The Honorable Samuel Conti
21 UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA



22 **ATTESTATION**

23 I, Whitney Huston, am the ECF user whose ID and password are being used to file this
24 Stipulation and [Proposed] Order Extending Deadline to Participate in ADR. In compliance with
25 General Order 45, I hereby attest that Eileen M. Hunter, Kerry L. Bundy, Aaron Van Oort, and
26 Benjamin Riley counsel for Defendants, have concurred in this filing.

27 Dated: April 18, 2011

28 By: /s/ Whitney Huston
Whitney Huston
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