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UNITED STATES DISTRICT COURT  
 FOR THE NORTHERN DISTRICT OF CALIFORNIA

JEFFREY JOHNSON, JENNIFER RIESE,  
 SHAUN SIMMONS, MICHAEL  
 DEBEVER, and JAMES PURVIS,  
 individually, and on behalf of others  
 similarly situated,

Plaintiffs,

vs.

HEWLETT-PACKARD COMPANY and  
 DOES 1-25 inclusive,

Defendants.

Case No. C-09-03596 CRB

**STIPULATION AND [PROPOSED] ORDER  
 DEFERRING BRIEFING AND HEARING  
 ON: (1) HP'S BILL OF COSTS; (2) HP'S  
 MOTION FOR ATTORNEYS FEES; AND  
 (3) PLAINTIFF'S MOTION TO DEFER**

**STIPULATION**

1  
2 WHEREAS on August 26, 2011, Plaintiffs Jeffrey Johnson, Jennifer Riese, Shaun  
3 Simmons, and James Purvis (“Plaintiffs”) gave notice of their Appeal of the Memorandum and  
4 Order Denying Motion to Amend and Granting Motion for Summary Judgment and related  
5 Judgment in this action to the United States Court of Appeals for the Ninth Circuit (Court of  
6 Appeals Case Number 11-17062) (hereinafter referred to as “Appeal”).

7 WHEREAS on September 1, 2011, Defendant Hewlett-Packard Company (“Defendant”)   
8 filed a Bill of Costs;

9 WHEREAS on September 27, 2011, Plaintiffs filed a Motion to Defer Consideration of  
10 Defendant’s Motions for Attorneys Fees And Costs Until After Appeal Is Completed;

11 WHEREAS on September 30, 2011, Defendant filed a Motion for Attorneys Fees, with a  
12 hearing set for November 4, 2011;

13 WHEREAS in an effort to avoid unnecessary litigation pending the Appeal, the Parties  
14 agree to defer the briefing, consideration and hearing of: (1) Defendant’s Bill of Costs; (2)  
15 Defendant’s Motion for Attorney Fees, until after the United States Court of Appeals for the  
16 Ninth Circuit has rendered a final decision on the Appeal. The Parties further agree to take off  
17 calendar Plaintiffs’ Motion to Defer Consideration of the Motions for Fees and Costs.

18 NOW, THEREFORE, IT IS HEREBY STIPULATED by the Parties, through their  
19 respective counsel of record, that:

20 1. The briefing, consideration and hearing of: (a) Defendant’s Bill of Costs; (b)  
21 Defendant’s Motion for Attorneys Fees shall be deferred until the Court of Appeals has rendered  
22 a final decision on the Appeal;

23 2. Plaintiffs’ Motion to Defer Consideration of the Motions for Fees and Costs shall  
24 be taken off calendar; and

25 3. The October 31, 2011 deadline for Plaintiffs to oppose Defendant’s Bill of Costs  
26 and Motion for Attorneys Fees and the November 4, 2011 hearing date on Defendant’s Motion  
27 for Attorneys Fees shall be vacated.

1 Dated: October 24, 2011

FRANKLIN D. AZAR & ASSOCIATES, P.C.

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By:  /s/Franklin D Azar

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Attorneys for Plaintiffs JEFFREY JOHNSON,  
JENNIFER RIESE, SHAUN SIMMONS,  
5 MICHAEL DEBEVER, and JAMES PURVIS

6 Dated: October 24, 2011

MORGAN, LEWIS & BOCKIUS LLP

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By:  /s/Melinda Riechert

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Attorneys for Defendant  
HEWLETT-PACKARD COMPANY

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**ORDER**

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**IT IS SO ORDERED.**

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Dated: October  25, 2011

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