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12 Attorneys for Plaintiff
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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 ASHLEY WILSON, as an individual and on) behalf of all others similarly situated,) 17) Plaintiff,) 18) v.) 19) KIEWIT PACIFIC CO., a corporation;) 20) Defendant.) 21) 22)	Case No.: C09-03630 SI STIPULATION AND [PROPOSED] ORDER TO CONTINUE HEARING DATE FOR MOTION FOR PRELIMINARY APPROVAL OF CLASS SETTLEMENT
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 24 Pursuant to Civil Local Rules 7-12 and 16-2, it is hereby stipulated, by and between
 25 ASHLEY WILSON (“Plaintiff”) and KIEWIT PACIFIC CO. (“Defendant”) (collectively the
 26 “Parties”), through their respective undersigned counsel, as follows:
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1 WHEREAS, on May 17, 2011, the Parties participated in a settlement conference with
2 the Honorable Judge James Larson;

3 WHEREAS, the Parties provisionally agreed on settlement terms for Plaintiff's
4 individual and class action claims at the settlement conference;

5 WHEREAS, on July 6, 2011, the Parties filed a Stipulation and [Proposed] Order to
6 Vacate Order Dismissing Case and Setting Hearing Date on Motion for Preliminary Approval,
7 and requested a hearing date on the Motion for Preliminary Approval of Class Action Settlement
8 ("Motion") on August 26, 2011, at 9:00 a.m.;

9 WHEREAS, the Court entered an Order Vacating the Order Dismissing the Case and
10 setting the hearing date on the Parties' Motion for August 26, 2011, at 9:00 a.m.;

11 WHEREAS, the Court upon request of the Parties the Court continued the hearing date
12 on Motion from August 26, 2011, at 9:00 a.m. to October 14, 2011, at 9:00 a.m. after the Parties
13 advised the Court of their efforts to gather data and finalize the Settlement Agreement;

14 WHEREAS, the Parties are still in the process of drafting a long-form class action
15 Settlement Agreement and have continued their efforts to reach an agreed-upon Settlement
16 Agreement and have narrowed most of the issues that were outstanding and anticipate that this
17 will be their last request for additional time to finalize the Settlement Agreement;

18 WHEREAS, the Parties require additional time to review the class data, negotiate the
19 class settlement terms, and hone the long-form class action Settlement Agreement;

20 WHEREAS, the Parties have met and conferred and due to the schedules of counsel,
21 including a previously scheduled trial, the Parties do not anticipate that they will be able to file
22 the Motion until October 7, 2011.

23 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
24 through their respective undersigned counsel, that the Motion for Preliminary Approval of Class
25 Action Settlement will be filed on or before October 7, 2011.

26 IT IS HEREBY STIPULATED AND AGREED by and between Plaintiff and Defendant,
27 through their respective undersigned counsel, that the hearing date on the Motion for Preliminary
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[PROPOSED] ORDER

The Parties having so stipulated, and GOOD CAUSE APPEARING
THEREFORE, IT IS HEREBY ORDERED that:

1. The October 14, 2011 hearing date on the Motion for Preliminary Approval of Class Action Settlement is hereby vacated;
2. The hearing on the Motion for Preliminary Approval of Class Action Settlement is hereby set for November __¹⁸, 2011, or _____, 2011, at 9:00 a.m.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: 9/13/11



The Honorable Susan Illston
Judge of the United States District Court