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14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

17 **LEE KEMP, individually and on behalf of**
all others similarly situated, the general
 18 **public, and as an “aggrieved employee”**
under the California Labor Code Private
 19 **Attorney General Act,**

20 **Plaintiff,**

21 **v.**

22 **INTERNATIONAL BUSINESS**
MACHINES CORP., a New York
 23 **Corporation, and DOES 1-50, inclusive,**

24 **Defendant.**

Case No. CV 09-03683-EMC

**STIPULATION AND [PROPOSED]
 ORDER EXTENDING DEADLINES**

1 Pursuant to Local Rules 6-1(b) and 7-12, Plaintiff Lee Kemp (“Plaintiff”) and Defendant
2 International Business Machines Corporation (“Defendant”), by and through their undersigned
3 counsel, hereby stipulate and request as follows:

4 WHEREAS, on July 15, 2011, the Court entered an Order setting the following case
5 schedule:

- 6 a. November 1, 2011: Class Certification Discovery Closes;
- 7 b. December 15, 2011: Class Certification and Summary Judgment Motions Due;
- 8 c. January 31, 2012: Oppositions to Class Certification and Summary Judgment
9 Motions Due;
- 10 d. February 15, 2012: Reply Briefs in Support of Class Certification and Summary
11 Judgment Motions Due; and
- 12 e. March 2, 2012 at 1:30 PM: Hearing on Class Certification and Summary Judgment
13 Motions.

14 WHEREAS, the parties have been working in good faith to resolve discovery issues and
15 to complete discovery by the November 1, 2011 deadline; however, the parties agree that they
16 require additional time;

17 WHEREAS, the parties request that the dates reflected above be extended to provide the
18 parties 30 days of additional discovery before briefing of class certification and summary
19 judgment as to Plaintiff's individual claims;

20 WHEREAS, other than extending each of the deadlines above by 30 days, such extensions
21 will not alter the date of any other event or deadline already fixed by the Court;

22 WHEREAS, the only prior time modifications were the Court’s September 25, 2009 and
23 April 30, 2010 extensions of Defendant’s deadline to respond to the First Amended Complaint,
24 the Court’s April 30, 2010 and June 3, 2010 extensions of the ADR deadline, and the Court’s July
25 15, 2011 extension of the case schedule deadlines.

26 IT IS HEREBY STIPULATED by and between the parties, through their respective
27 counsel:

1 All deadlines in paragraph 9 of the Court's July 15, 2011 Order will be extended as
2 follows:

- 3 a. December 1, 2011: Class Certification Discovery Closes
4 b. January 13, 2012: Class Certification and Summary Judgment Motions Due
5 c. March 2, 2012: Oppositions to Class Certification and Summary Judgment
6 Motions Due
7 d. March 16, 2012: Reply Briefs in Support of Class Certification and Summary
8 Judgment Motions Due
9 e. March 30, 2012 at 1:30 PM: Hearing on Class Certification and Summary
10 Judgment Motions.

11
12 **IT IS SO STIPULATED.**

13 Dated: October 5, 2011

JONES DAY

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16 By: /s/ Catherine S. Nasser
17 Catherine S. Nasser
18 Attorneys for Defendant
INTERNATIONAL BUSINESS
MACHINES CORPORATION

19 Dated: October 5, 2011

THIERMAN LAW FIRM, PC

20
21 By: /s/ Joshua D. Buck
22 Joshua D. Buck
23 Attorneys for Plaintiff
LEE KEMP

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25 SIGNATURE ATTESTATION

26 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
27 "conformed" signature (/S/) within this efiled document.
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Dated: October 5, 2011

JONES DAY

By: /s/ Catherine S. Nasser
Attorneys for Defendant
INTERNATIONAL BUSINESS
MACHINES CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 10/6, 2011

SFI-713108v1

Honorable
United States

