

1 ROBERT TAFOYA, Esq., SBN 194444
 DAVID GARCIA, Esq., SBN 218356
 2 TAFOYA & GARCIA LLP
 316 W. 2nd St., Suite 1000
 3 Los Angeles, CA 90012
 Tel: 213.617.0600
 4 Fax: 213.617.2226
 robert@tafoyagarcia.com
 5 david@tafoyagarcia.com

6 Attorneys for Plaintiffs
 CRELENCIO CHAVEZ and JOSE
 7 ZALDIVAR

8 MORGAN, LEWIS & BOCKIUS LLP
 ERIC MECKLEY, SBN 168181
 9 JENNIFER SVANFELDT, SBN 233248
 One Market, Spear Street Tower
 10 San Francisco, CA 94105-1126
 Tel: 415.442.1000
 11 Fax: 415.442.1001
 emeckley@morganlewis.com
 12 jsvanfeldt@morganlewis.com

13 Attorneys for Defendant
 LUMBER LIQUIDATORS, INC.

14 UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 16

17 CRELENCIO CHAVEZ and JOSE
 18 ZALDIVAR, an individual and on behalf
 of all others similarly situated,

19 Plaintiffs,

20 vs.

21 LUMBER LIQUIDATORS, INC. a
 22 Delaware Corporation; and DOES 1
 through 20, inclusive,

23 Defendants.
 24

Case No. C-09-04812 SC

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO EXTEND CLASS
 CERTIFICATION DISCOVERY CUTOFF
 AND CLASS CERTIFICATION HEARING
 DATES**

25
 26
 27
 28
 Case No. C-09-04812 SC

1
2 Plaintiffs Crelencio Chavez and Jose Zaldivar (“Plaintiffs”) and Defendant Lumber
3 Liquidators, Inc. (“Defendant”) (collectively, the “Parties”), by and through their respective
4 counsel of record, hereby stipulate to extend the class certification discovery cutoff date and
5 hearing on Plaintiffs’ motion for class certification pursuant to Civil Local Rules 6-1 and 6-2 of
6 the Northern District of California, as follows:

7 WHEREAS, following the case management conference on July 29, 2011, the Court set
8 the following class certification discovery cutoff and hearing dates:

9 November 21, 2011: Class Certification Discovery Cutoff

10 December 9, 2011 at 10:00 a.m.: Hearing on Plaintiffs’ Motion for Class Certification

11 WHEREAS, Plaintiffs request an order extending the discovery cutoff date and hearing on
12 Plaintiffs’ Motion for Class Certification for the following reasons:

13 a. Plaintiffs’ motion for class certification must be filed no later than
14 November 4, 2011 pursuant to Civil Local Rule 7-2 of the Northern District of California.

15 b. The Parties have been actively engaged in extensive settlement discussions
16 up to the present.

17 c. The Parties originally agreed that Defendant would complete the duly
18 noticed deposition of Plaintiff Chavez on October 26, 2011 in Los Angeles, California. Because
19 Plaintiffs’ counsel is about to commence two different trials, he is unable to produce Plaintiff
20 Chavez for his deposition until at least December 2011.

21 d. Plaintiffs were scheduled to take the deposition of Defendant’s Federal
22 Rule of Civil Procedure 30(b)(6) witness (regarding class issues such as size, work hours, and
23 pay) on October 27, 2011, in Los Angeles, California. Defendant’s 30(b)(6) witness, a Senior
24 Vice President and executive-level employee of Defendant who lives on the East Coast, changed
25 his work schedule and made arrangements to travel in California the week of October 27, and has
26 already arrived in California. Due to his executive work commitments and pre-scheduled travel,
27 the witness is not available to travel to California for deposition again until the second week of
28 December 2011.

e. The Parties must complete necessary discovery and depositions prior to the

1
2 class certification motion and opposition filing deadlines, which they now cannot complete
3 because of Plaintiffs' counsel's scheduling conflicts.

4 f. Plaintiffs' counsel now has a trial that interferes with the filing of
5 Plaintiffs' motion for class certification. Plaintiffs' attorneys are lead counsel in the matter of
6 *German Bran v. JR's Tires*, Case No. CIVDS903989, pending in the San Bernardino Superior
7 Court, Department S37, which as of October 24, 2011 is scheduled for trial on Wednesday,
8 October 26, 2011. The trial date initially was scheduled on September 12, 2011. Plaintiffs'
9 counsel is also handling a second trial set to commence on November 10, 2011, in the matter of
10 *Terastrvatsatryan v. Mission Metals* (RIC10004397). (See attached Declaration of David A.
11 Garcia, ¶¶2-4, and corresponding dockets are attached as Exhibits thereto).

12 WHEREAS, no prior extensions of time have been requested or granted.

13 WHEREAS, the Parties stipulate that Civil Local Rule 7-3 will not apply to the stipulated
14 class certification briefing schedule.

15 THEREFORE, IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant
16 that the Court continue the November 21, 2011 class certification discovery cutoff deadline to
17 January 27, 2012 and to set the following class certification briefing schedule:

18 December 30, 2011: Deadline for Plaintiffs to file motion for class certification

19 January 27, 2012: Deadline for Defendant to file opposition to class certification

20 February 10, 2012: Deadline for Plaintiffs to file reply in support of class certification

21
22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

February 24, 2012 at 10:00 a.m.: Hearing on Plaintiffs' motion for class certification

Dated: October 25, 2011

MORGAN, LEWIS & BOCKIUS LLP

By Jennifer Svanfeldt
Eric Meckley
Jennifer Svanfeldt

Attorneys for Defendant
Lumber Liquidators, Inc.

Dated: October 25, 2011

TAFOYA & GARCIA LLP

By David A. Garcia
David A. Garcia

Attorneys for Plaintiffs
Crelencio Chavez and Jose Zaldivar

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: October 26, 2011

