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13 Attorneys for Plaintiff ELAINE SABATINO

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

17 ELAINE SABATINO, individually and on behalf
 of all others similarly situated,

18 Plaintiff,

19 v.

20 WEIGHT WATCHERS NORTH AMERICA,
 21 INC., and DOES 1 through 100,

22 Defendant.

CASE NO. CV 09-4926 TEH

**JOINT STIPULATION AND ~~PROPOSED~~
 ORDER RESCHEDULING ADR
 COMPLETION DATE AND
 TELEPHONIC CASE MANAGEMENT
 CONFERENCE**

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1 WHEREAS, on January 13, 2010, this Court entered an order approving the Joint Stipulation
2 and Proposed Order Selecting ADR Process (Dkt. #16), in which the parties agreed to engage in
3 private mediation by July 12, 2010;

4 WHEREAS, on March 22, 2010, this Court scheduled a telephonic Case Management
5 Conference for one week after the ADR deadline, to be held at 1:30 p.m. on July 19, 2010 (Dkt.
6 # 20);

7 WHEREAS, given the schedule of the mediator selected by the parties and the schedule of
8 others who will be involved in the mediation, the Court previously rescheduled the ADR completion
9 date to July 26, 2010 and the telephonic status conference to August 2, 2010, at 1:30 p.m.;

10 WHEREAS, on June 29, 2010, plaintiff's counsel disclosed to defendant's counsel that
11 plaintiff intends to seek leave to amend the complaint to add two new additional named plaintiffs to
12 the litigation;

13 WHEREAS, the parties have met and conferred about this development, including
14 defendant's request for fact-finding and discovery (including depositions) with respect to these two
15 proposed new plaintiffs prior to mediation, and have agreed as a result of the meet and confer process
16 to reschedule the July 26, 2010 mediation to allow for such fact-finding and discovery;

17 WHEREAS, after discussing alternative dates for the mediation, the parties have determined
18 based on the schedule of the mediator and the schedule of those who will be involved in the
19 mediation, that October 6, 2010 is the earliest practicable date that the mediation can occur;

20 WHEREAS, to allow for fact-finding and discovery as to the two proposed new plaintiffs, to
21 accommodate the schedules of those involved in the mediation, and to allow the parties to proceed
22 with their mediator of choice, the parties hereby stipulate and agree as follows, subject to the Court's
23 approval:

24 (i) The deadline for the parties to hold a private ADR session is **continued to October 6,**
25 **2010;**

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1 (ii) The telephonic Case Management Conference originally scheduled for August 2, 2010 is
2 **continued to October 18, 2010 at 1:30 p.m.**, with a joint status conference statement to be filed by
3 the parties no later than **October 12, 2010**.

4 **IT IS SO STIPULATED.**

5 DATED: July 8, 2010

RUDY, EXELROD, ZIEFF & LOWE, L.L.P.
STEVEN G. ZIEFF
KENNETH J. SUGARMAN

7
8 By: _____ s/ Kenneth J. Sugarman
Kenneth J. Sugarman

9 Attorneys for Plaintiff
10 ELAINE SABATINO

11 DATED: July 8, 2010

GIBSON, DUNN & CRUTCHER LLP
CHRISTOPHER J. MARTIN
RACHEL S. BRASS
JESSE A. CRIPPS

14 By: _____ s/Christopher J. Martin
Christopher J. Martin

15 Attorneys for Defendant
16 WEIGHT WATCHERS NORTH AMERICA, INC.

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19 **IT IS SO ORDERED.**

20 DATED: _____ 07/08 _____, 2010

21 The Honorable _____
22 United States District Judge

