

1 JEFFREY F. KELLER (SBN 148005)
 2 CAREY G. BEEN (SBN 240996)
KELLER GROVER LLP
 425 Second Street, Suite 500
 San Francisco, California 94107
 Telephone: (415) 543-1305
 Facsimile: (415) 543-7861
 jfkeller@kellergrover.com
 cbeen@kellergrover.com

IAN D. VOLNER (*PRO HAC VICE*)
 EDWARD P. BOYLES (*PRO HAC VICE*)
VENABLE LLP
 1270 Avenue of the Americas, 25th Floor
 New York, New York 10020
 Telephone: (212) 307-5500
 Facsimile: (212) 307-5598
 IDVolner@Venable.com
 EPBoyle@Venable.com

6 JOHN G. JACOBS (*PRO HAC VICE*)
 BRYAN G. KOLTON (*PRO HAC VICE*)
JACOBS KOLTON, CHTD.
 122 South Michigan Avenue, Suite 1850
 Chicago, Illinois 60603
 Telephone: (312) 427-4000
 Facsimile: (312) 427-1850
 jgjacobs@jacobskolton.com
 bgkolton@jacobskolton.com

Attorneys For Defendants Payless
 ShoeSource, Inc and Collective Brands, Inc.

WILLIAM E. RANEY (*PRO HAC VICE*)
COPILEVITZ AND CANTER, LLC
 310 W. 20th Street, Suite 300
 Kansas City, Missouri 64108
 Telephone: (816) 277-0856
 Facsimile: (816) 472-5000
 braney@cckc-law.com

11 Attorneys for Plaintiff and the Putative Class

Attorney for Defendant Voice-Mail
 Broadcasting Corporation

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17 MOHAMMAD KAZEMI, individually and on)
 18 behalf of a class of similarly situated individuals,)
 19 Plaintiff,)
 20 v.)
 21 PAYLESS SHOESOURCE, INC., a Missouri)
 22 corporation, COLLECTIVE BRANDS, INC.,)
 23 a Delaware corporation, and VOICE-MAIL)
 24 BROADCASTING CORPORATION d/b/a)
 25 VOICE & MOBILE BROADCAST)
 CORPORATION a/k/a VMBC,)
 Defendants.)

Case No. 09-cv-5142 MHP
CLASS ACTION
STIPULATION TO
CONTINUE FILING DATE
FOR PLAINTIFF'S MOTION
FOR CLASS
CERTIFICATION PENDING
SETTLEMENT

STIP. TO CONTINUE FILING DATE OF PLAINTIFF'S MOTION FOR CLASS CERT.

1 Plaintiff Mohammad Kazemi (“Plaintiff”) and Defendants Payless ShoeSource, Inc.
2 (“Payless”), Collective Brands, Inc., and Voice-mail Broadcasting Corporation (“VMBC”)
3 (collectively “Defendants”), by and through their respective counsel, hereby enter into the
4 following Stipulation seeking a continuance of the filing date for Plaintiff’s motion for class
5 certification pending the parties’ settlement of Plaintiff’s claims. This Stipulation is made and
6 entered into by the parties based on the following facts:

7 Plaintiff’s motion for class certification was initially scheduled to be filed on
8 September 13, 2010. On September 1, 2010 the parties filed a stipulation with the Court
9 requesting an extension of the deadline for Plaintiff’s motion until January 14, 2011, pending a
10 mediation to be held by the parties on November 15 and 16, 2010 before the Honorable Nicholas
11 Politan. The Court signed that stipulation into Order on September 2, 2010.

12 On November 15 and 16, 2010 the parties attended the mediation. At the mediation
13 Plaintiff and defendant Payless reached an agreement in principle on the settlement of Plaintiff’s
14 claims. The agreement in principle was set forth in a memorandum of understanding signed by
15 both Plaintiff and a company official for Payless. The parties further agreed that should a
16 settlement based on the terms of the agreement in principle become final, Plaintiff’s claims would
17 be dismissed as to all parties.

18 Plaintiff’s counsel and counsel for Payless have since worked diligently in the preparation
19 of a final settlement agreement, as well as several supporting documents including multiple forms
20 of class notice. Despite their best efforts, the Thanksgiving, Christmas and New Years holidays
21 have introduced some degree of delay and difficulty into the coordination and preparation of such
22 documents and the parties remain in the process of negotiating and preparing a final settlement
23 agreement that sets forth specific terms and language agreeable to all parties.

24 In light of the pending settlement agreement, the parties believe it makes sense to further
25 defer briefing of class certification while the parties attempt to finalize the settlement agreement
26 and supporting documents. The parties therefore request a modest additional extension of the
27 deadline for Plaintiff’s motion for class certification until February 1, 2011. Should the filing of

1 Plaintiff's motion for class certification ultimately be found necessary, Defendants' response
2 would be due by March 1, 2011 and Plaintiff's reply would be due by April 1, 2011.

3 No trial date has yet been set that will be impacted by the parties' request.

4 Accordingly, the undersigned parties **HEREBY STIPULATE AND AGREE** as follows:

5 1. Plaintiffs' motion for class certification shall be filed no later than February 1,
6 2011.

7 2. Defendants opposition to Plaintiff's motion for class certification shall be due no
8 later than March 1, 2011.

9 3. Plaintiff reply shall be due no later than April 1, 2011.

10 **IT IS SO STIPULATED.**

11 Dated: January 7, 2011

Respectfully submitted,

12 **KELLER GROVER LLP**

13 By: /s/ Carey G. Been

14 Carey G. Been

15 Attorneys for Plaintiff
16 and the Putative Class and Sub-Class

17 **VENABLE LLP**

18 By: /s/ Ian D. Volner

19 Ian D. Volner

20 Attorneys for Defendants Payless
21 ShoeSource, Inc.; Collective Brands, Inc.

22 **COPILEVITZ AND CANTER, LLC**

23 By: /s/ William E. Raney

24 William E. Raney

25 Attorneys for Defendants Voice-Mail
26 Broadcasting Corporation d/b/a Voice &
27 Mobile Broadcast Corporation a/k/a
28 VMBC

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

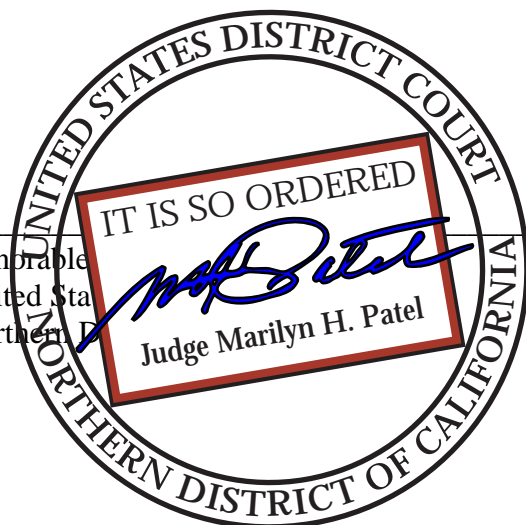
~~Proposed~~ ORDER

GOOD CAUSE HAVING BEEN SHOWN, the filing date for Plaintiff's motion for class certification shall be re-set from January 14, 2011 to February 1, 2011. Defendants' opposition shall be due no later than March 1, 2011 and Plaintiff's reply shall be due no later than April 1, 2011.

IT IS SO ORDERED.

Dated: January 7, 2011

Honorable
United States
Northern District



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

GENERAL ORDER 45 ATTESTATION

In accordance with General Order 45, concurrence in the filing of this document has been obtained from Ian D. Volner and William E. Raney. I shall maintain records to support this concurrence for subsequent production to the Court if so ordered for inspection upon the request of any party.

By: /s/ Carey G. Been
Carey G. Been

Attorneys for Plaintiff
and the Putative Class and Sub-Class