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15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN FRANCISCO DIVISION**  
 18

19 DAVID M. CATHCART, JAMES H.  
 WHITEHEAD, ROBERT W. DECKER, DALE  
 20 BALDISSERI, individually, and on behalf of all  
 others similarly situated,

21 Plaintiff,

22 v.

23 SARA LEE CORPORATION, SARA LEE  
 24 BAKERY GROUP, EARTHGRAINS BAKING  
 COMPANIES, INC. (formerly sued as DOE 1)  
 25 and DOES 2 through 20,

26 Defendants.  
 27  
 28

Case No. CV 09-5748 MMC

**STIPULATION FOR LEAVE TO  
 MODIFY THE SCHEDULING ORDER  
 TO EXTEND MOTION DATES**

**[PROPOSED] ORDER THEREON**

The Honorable Maxine M. Chesney

Complaint filed: December 8, 2009

1           The parties stipulate as set forth in the numbered paragraphs below, based on the  
2 following facts:

3           The Scheduling Order (Dkt. No. 33) set original deadlines in this matter. The case  
4 deadlines have previously been continued by stipulated order on October 7, 2010 (Docket 35),  
5 November 12, 2010 (Dkt. No. 44), and February 22, 2011 (Dkt. No. 52). The current deadlines  
6 are as follows:

- 7           1. Close of discovery on Labor Code § 514 and Motor Carrier Act exemptions: June 1,  
8           2011;
- 9           2. Deadline for filing of Defendants' motion(s) for summary judgment on Labor Code §  
10           514 and Motor Carrier Act exemptions: June 17, 2011;
- 11           3. Hearing on above motion(s): August 5, 2011, 9:00 a.m.;
- 12           4. Deadline for Plaintiffs to file motion for class certification: November 18, 2011;
- 13           5. Deadline for Defendants to file opposition to motion for class certification: January 6,  
14           2012;
- 15           6. Deadline for Plaintiffs to file reply on motion for class certification: February 24,  
16           2012;
- 17           7. Hearing on motion for class certification: March 16, 2012, 9:00 a.m.;
- 18           8. Case Management Conference: April 27, 2012.

19           The parties have continued to pursue discovery, including meeting and conferring on  
20 additional responses by Defendants. As part of their first set of discovery, Plaintiffs requested  
21 the names and contact information for all members of the putative class. Defendants objected to  
22 producing this information at this stage of the litigation, as it would be unduly burdensome to do  
23 so and Defendants' initial motion for summary judgment will be brought against the named  
24 Plaintiffs only. Accordingly, the parties have agreed to postpone discovery on this issue until  
25 after the Court hears Defendants' motion for summary judgment on the Labor Code § 514 and  
26 Motor Carrier Act exemptions, provided that Plaintiffs are allowed additional time to conduct  
27 discovery between identification of putative class members and the deadline to file Plaintiffs'  
28 motion for class certification.

1 The parties presently believe extension of these deadlines and hearing dates as listed  
2 below is necessary and appropriate and will not prejudice either party.

3 WHEREFORE, THE PARTIES STIPULATE and request that the Court order that the  
4 Scheduling Order (Docket Non. 33) be modified to reflect the deadlines listed below, or to set  
5 forth dates chosen by the Court:

- 6 1. Deadline for Plaintiffs to file motion for class certification: February 3, 2012;
- 7 2. Deadline for Defendants to file opposition to motion for class certification: March 23,  
8 2012;
- 9 3. Deadline for Plaintiffs to file reply on motion for class certification: May 11, 2012;
- 10 4. Hearing on motion for class certification: June 1, 2012, 9:00 a.m.;
- 11 5. Case Management Conference: July 13, 2012.

12 SO STIPULATED.

13 In compliance with General Order No. 45 (X), as filing party, Defendants attest that all  
14 signatories below concur in the filing of this document.

15 DATED: March 9, 2011

MAYER BROWN LLP  
JOHN NADOLENCO  
JEROME JAUFFRET  
KRISTEN ROWSE

18 BY: /S/ JOHN NADOLENCO  
John Nadolenco

19 Attorneys for Defendants  
SARA LEE CORPORATION, SARA LEE  
20 BAKERY GROUP and EARTHGRAINS  
BAKING COMPANIES, INC.

21 DATED: March 9, 2011


SPIRO MOSS LLP

22 BY: /S/ IRA SPIRO  
Ira Spiro  
23 Attorneys for Plaintiffs

24 **~~PROPOSED~~ ORDER**

25 SO ORDERED as stated in paragraphs 1 through 5 above.

26 DATED: April 12, 2011

27   
MAXINE M. CHESNEY  
28 United States District Judge