

1 MAYER BROWN LLP
 JOHN NADOLENCO (SBN 181128)
 2 jnadolenco@mayerbrown.com
 JEROME JAUFFRET (SBN 159135)
 3 jjauffret@mayerbrown.com
 KRISTEN ROWSE (SBN 235294)
 4 krowse@mayerbrown.com
 350 South Grand Avenue
 5 25th Floor
 Los Angeles, CA 90071-1503
 6 Telephone: (213) 229-9500
 Facsimile: (213) 625-0248

7
 Attorneys for Defendants
 8 SARA LEE CORPORATION, SARA LEE
 BAKERY GROUP and EARTHGRAINS
 9 BAKING COMPANIES, INC.

10 SPIRO MOSS LLP
 Ira Spiro (SBN 67641)
 11 Ira@spiomoss.com
 11377 W. Olympic Blvd 5th Floor
 12 Los Angeles, CA 90064
 Telephone: 310-235-2468
 13 Facsimile: 310-235-2456

14 Attorneys for Plaintiffs

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

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.

Case No. CV 09-5748 MMC

**STIPULATION FOR LEAVE TO
 MODIFY THE SCHEDULING ORDER
 TO EXTEND MOTION, DISCOVERY,
 AND MEDIATION DATES**

~~PROPOSED~~ ORDER

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 discovery
4 and motion deadlines have previously been continued by stipulated order (see Docket Nos. 35,
5 44, 52, 56, and 58). The deadline to complete mediation has also been continued by stipulated
6 order (see Docket Nos. 54 and 58). The current deadlines are as follows:

7 A. Deadline for parties to complete mediation: August 5, 2011;

8 B. Close of discovery on Labor Code § 514 and Motor Carrier Act exemptions: July 8,
9 2011;

10 C. Deadline for filing of Defendants' motion(s) for summary judgment on Labor Code §
11 514 and Motor Carrier Act exemptions: July 22, 2011;

12 D. Deadline for filing Plaintiffs' opposition to above motion(s) and cross-motion:
13 August 12, 2011;

14 E. Deadline for reply on Defendants' motion(s) and opposition to cross-motion: August
15 19, 2011;

16 F. Hearing on above motion(s): September 9, 2011, 9:00 a.m.;

17 G. Deadline for Plaintiffs to file motion for class certification: March 2, 2012;

18 H. Deadline for Defendants to file opposition to motion for class certification: April 20,
19 2012;

20 I. Deadline for Plaintiffs to file reply on motion for class certification: June 8, 2012;

21 J. Hearing on motion for class certification: June 29, 2012, 9:00 a.m.

22 K. Case Management Conference: August 10, 2012.

23 The parties most recently stipulated (in May 2011) to extend the discovery and motion
24 deadlines in this matter due to a class action jury trial that Plaintiffs' counsel was required to take
25 over on very short notice, three weeks before the start of trial. That trial has concluded, and the
26 parties have met and conferred regarding rescheduling the depositions of the named Plaintiffs
27 and of Defendants under Federal Rule of Civil Procedure 30(b)(6). The parties have scheduled
28 these depositions for the week of July 25, 2011, the nearest dates available due to scheduling

1 conflicts of both parties and counsel. To accommodate these depositions and the subsequent
2 filing of Defendants' motion for summary judgment, the parties agree to an additional, short
3 extension of discovery and motion deadlines.

4 Further, the parties believe it would be extremely helpful to have the benefit of the
5 Court's ruling on the initial motion(s) for summary judgment (potentially affecting the scope of
6 at least some of Plaintiffs' claims) before conducting mediation in this case. Therefore, the
7 parties respectfully request that the Court consider a further continuance of the mediation
8 completion deadline to a date following the summary judgment hearing.

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

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

- 14 1. Close of discovery on Labor Code § 514 and Motor Carrier Act exemptions: extended
15 from July 8, 2011 to August 5, 2011;
- 16 2. Deadline for filing of Defendants' motion(s) for summary judgment on Labor Code §
17 514 and Motor Carrier Act exemptions: extended from July 22, 2011 to August 19,
18 2011;
- 19 3. Deadline for filing Plaintiffs' opposition to above motion(s) and cross-motion:
20 extended from August 12, 2011 to September 9, 2011;
- 21 4. Deadline for reply on Defendants' motion(s) and opposition to cross-motion:
22 extended from August 19, 2011 to September 16, 2011;
- 23 5. Hearing on above motion(s): continued from September 9, 2011 to October 7, 2011,
24 9:00 a.m.;
- 25 6. Deadline for parties to complete mediation: extended from August 5, 2011 (before
26 hearing on motion for summary judgment) to October 28, 2011;
- 27 7. Deadline for Plaintiffs to file motion for class certification: extended from March 2,
28 2012 to March 23, 2012;

- 1 8. Deadline for Defendants to file opposition to motion for class certification: extended
2 from April 20, 2012 to May 11, 2012;
3 9. Deadline for Plaintiffs to file reply on motion for class certification: extended from
4 June 8, 2012 to June 29, 2012;
5 10. Hearing on motion for class certification: continued from June 29, 2012 to July 20,
6 2012, 9:00 a.m.
7 11. Case Management Conference: continued from August 10, 2012 to August 31, 2012.

8 SO STIPULATED.

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

11 DATED: June 30, 2011

MAYER BROWN LLP
JOHN NADOLENCO
JEROME JAUFFRET
KRISTEN ROWSE

12
13
14
15 By: /s/ John Nadolenco
John Nadolenco
Attorneys for Defendants
16 SARA LEE CORPORATION, SARA LEE
17 BAKERY GROUP and EARTHGRAINS
BAKING COMPANIES, INC.

18 DATED: June 30, 2011


SPIRO MOSS LLP

19
20
21 By: /s/ Ira Spiro
Ira Spiro
22 Attorneys for Plaintiffs

23 ~~PROPOSED~~ ORDER

24 SO ORDERED as stated in paragraphs 1 through 11 above.

25
26 DATED: July 19, 2011


27 MAXINE M. CHESNEY
United States District Judge