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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

BURT XAVIER and JAMES FRANKLIN,
Individually, and on Behalf of Themselves and
All Others Similarly Situated,

Plaintiffs,

v.

PHILIP MORRIS USA, INC., a Virginia
corporation.

Defendant.

Case No. 3:10-cv-02067 WHA

**STIPULATION REGARDING DEADLINE
FOR EXCHANGE OF PARTIES' CLASS
CERTIFICATION EXPERT
DISCLOSURES; ~~PROPOSED~~ ORDER**

1 Pursuant to Local Rule 6-2, Plaintiffs Burt Xavier and James Franklin (“Plaintiffs”) and
2 Defendant Philip Morris USA Inc. (“Defendant”), through their undersigned counsel of record,
3 hereby agree and stipulate as follows:

- 4 1. The deadline for parties to disclose expert declarations or reports related to class certification
5 is continued from November 30, 2010 to December 15, 2010. Due to the upcoming
6 Thanksgiving holiday, counsel for defendant is requesting more time to coordinate with
7 experts in preparing their disclosures.
- 8 2. Submissions regarding time modifications filed in this matter include (1) a stipulation
9 regarding Defendant’s time to the respond to the complaint, filed on June 23, 2010; and (2) a
10 stipulation regarding the hearing date on Defendant’s motion to dismiss, filed on September
11 16, 2010.
- 12 3. No other stipulations regarding expert disclosures have been submitted to the Court. Further,
13 this request to continue the deadline for submitting expert disclosures will not affect any
14 other deadlines set by the Court, including the briefing on plaintiffs’ motion for class
15 certification.

16
17 STIPULATED TO BY:

18
19 Dated: November 24, 2010

WATERS & KRAUS, LLP

20
21 By: /s/ Jennifer McIntosh
JENNIFER MCINTOSH

22 Attorneys for Plaintiffs

23 Dated: November 24, 2010

SHOOK, HARDY & BACON L.L.P.

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25 By: /s/ Tammy B. Webb
TAMMY B. WEBB

26 Attorneys for Defendant Philip Morris USA Inc.
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ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

This adjustment will not be grounds to change any other dates set in the Case Management Order.

Dated: November 29, 2010.



UNITED STATES DISTRICT COURT JUDGE