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10 Attorneys for Plaintiffs

11  
 12 IN THE UNITED STATES DISTRICT COURT  
 13 FOR THE NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

14 Gene Jovich and Hung Tran, individually and on  
 15 behalf of all others similarly situated,

16 Plaintiffs,

17 vs.

18 Southern Wine & Spirits of America, Inc., a  
 19 Florida Corporation,

20 Defendant.

Case No.: CV 10-04405 JSW

**STIPULATION AND ~~PROPOSED~~ ORDER  
 RE: MAGISTRATE JUDGE'S AUTHORITY  
 TO ENTER DISCOVERY AND  
 SETTLEMENT CONFERENCE  
 PREPARATION ORDERS**

1 Plaintiffs, Hung Tran and Gene Jovich, and Defendant, Southern Wine & Spirits of America,  
2 enter into this Stipulation based on the following facts:

3 1. On December 5, 2011, the Court entered an Order referring this case to a randomly  
4 selected Magistrate Judge for a settlement conference to be completed by March 2, 2012, and further  
5 providing that "[l]imited discovery in aide of settlement shall be allowed."

6 2. Subsequently, the parties have been informed by the Clerk's office that the Hon.  
7 Nandor J. Vadas was assigned as the Magistrate Judge to conduct the settlement conference.

8 3. The parties have met and conferred with regard to the nature and extent of further  
9 limited discovery and other preparations that will enhance the likelihood of a productive settlement  
10 conference to be conducted by the Magistrate Judge.

11 4. The parties agree that an Order of the Court clarifying Judge Vadas' authority to issue  
12 orders with regard to the necessary and appropriate limited discovery to be allowed, and other matters  
13 in preparation for the settlement conference, would assist Judge Vadas in carrying out his assignment  
14 on the reference.

15 THEREFORE, Plaintiffs and Defendant jointly stipulate and request that the Court should enter  
16 the Order set forth below, clarifying Judge Vadas' authority to enter necessary and appropriate orders  
17 relating to limited discovery and other settlement conference preparations.

18 Dated: ~~December~~ January 3, 2012

Respectfully submitted,

19 GOLDSTEIN, DEMCHAK, BALLER, BORGAN &  
20 DARDARIAN

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1 Dated: January 3, 2012

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8 **[Proposed] Order re: Magistrate Judge's Authority**

9 Upon the stipulation of the parties to this action, and for good cause shown, it is hereby  
10 ORDERED that:

11 The Magistrate Judge to whom this case has been referred pursuant to the Court's Minute  
12 Order entered December 5, 2011, the Hon. Nandor J. Vadas, shall have the authority to issue further  
13 orders with regard to the limited discovery in aide of settlement permitted by that Order, and with  
14 regard to other matters necessary and appropriate in preparation for the settlement conference required  
15 by the December 5, 2011 Order.

16 Dated: January 5, 2012



UNITED STATES DISTRICT JUDGE