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14 Attorneys for Defendants  
 15 INCOM MECHANICAL, INC., JOE LOCATI,  
 16 JEFFREY LOCATI, PHIL LOCATI

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA  
 19 SAN FRANCISCO DIVISION

20  
 21 Ricky Martinez, Josh LeClair, Norberto  
 Suarez, Tyler Fox, and Jared Hutman,  
 22 individually, on behalf of all others  
 similarly situated, and on behalf of the  
 23 general public,

24 Plaintiffs,

25 v.

26 Incom Mechanical, Inc., Joe Locati, Jeffrey  
 Locati, Phil Locati, and DOES 1 through  
 27 50 inclusive,

28 Defendants.

Case No. CV-11-01392 (SI)

**STIPULATION AND [~~PROPOSED~~]  
 ORDER REGARDING ENLARGEMENT  
 OF TIME TO FILE A PRELIMINARY  
 APPROVAL MOTION FOR A CLASS  
 ACTION SETTLEMENT**

Complaint Filed: February 18, 2011

No Trial Date Set

**STIPULATION AND [PROPOSED]  
 ORDER RE ENLARGEMENT OF TIME  
 TO FILE MOTION**

Case No. CV 11-01392 (SI)

1 Pursuant to Civil Local Rule 7-12, Plaintiffs Ricky Martinez, *et al.* (“Plaintiffs”) and  
2 Defendants Incom Mechanical, Inc., *et al.* (“Defendants”), by and through their attorneys of record,  
3 make the following stipulation seeking an enlargement of time to file the preliminary approval  
4 motion in the above-captioned matter as follows:

5 WHEREAS, the parties have reached a detailed stipulation and settlement agreement  
6 with a host of exhibits (including class notice, opt-in and claim form, etc.), wherein they have agreed  
7 to resolve all claims, which was fully-executed by the parties and their counsel today, August 31,  
8 2011;

9 WHEREAS, the parties seek a hearing date of October 7, 2011, for the preliminary  
10 approval motion, because: Counsel for Plaintiff is unavailable October 14 and 28, 2011, due to prior  
11 speaking engagements requiring travel out of the area; the Court is unavailable October 21, 2011,  
12 according to the posted calendar; and Counsel for Plaintiff is unavailable beginning October 31,  
13 2011 and until late November, with a scheduled trial in Superior Court;

14 WHEREAS, the preliminary approval motion is being drafted but, due to other  
15 conflicting deadlines, Court appearances, and Labor Day travel plans, will not be filed this week;

16 WHEREAS, the parties will complete and serve the preliminary approval motion next  
17 week, by September 9, 2011, leaving 28 days until the desired, October 7, 2011 hearing date,

18 THEREFORE IT IS HEREBY STIPULATED AND REQUESTED by and between  
19 Plaintiffs and Defendants, through their respective counsel, that the Court grant the parties an  
20 enlargement of time to file the preliminary approval motion in this matter.

1 Dated: August 31, 2011

BRYAN SCHWARTZ LAW

2  
3 /s/ Bryan Schwartz

4 Bryan Schwartz, Bar No. 209903  
5 Hillary Benham-Baker, Bar No. 265019  
6 Attorney for Plaintiff

7 Dated: August 31, 2011

LITTLER MENDELSON  
A Professional Corporation

8  
9 /s/Robert Zaletel

10 Richard N. Hill  
11 Robert L. Zaletel  
12 Attorneys for Defendants  
13 Incom Mechanical, Inc., Joe Locati, Jeffrey  
14 Locati, and Phil Locati

15  
16 **ORDER**

17 GOOD CAUSE APPEARING, IT IS HEREBY ORDERED that the Parties' Stipulation,  
18 above, is approved and adopted as the Order of this Court, as follows:

19 The parties may file the preliminary approval motion regarding their class action settlement  
20 on or before September 9, 2011, and the preliminary approval hearing will be conducted on October  
21 7, 2011, 28 days later.

22 **IT IS SO ORDERED.**

23 Dated: ~~August~~ August 9, 2011

24 

25 \_\_\_\_\_  
26 Susan Illston  
27 UNITED STATES DISTRICT COURT JUDGE  
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