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13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN FRANCISCO DIVISION**

16 DON C. BENNETT, COMERLIS
 17 DELANEY, GARY ROBINSON, DARREN
 SCOTT, and JON HOTZLER, on behalf of
 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 SIMPLEXGRINNELL, LP,

21 Defendant.

Case No. 11-1854 JST (NJV)

**STIPULATION AND ~~PROPOSED~~ ORDER
 FOR EXTENSION OF PLAINTIFFS'
 EXPERT REPORT DEADLINE AND
 CORRESPONDING SCHEDULE CHANGES**

Complaint Filed: April 18, 2011
 First Amended

Complaint Filed: June 27, 2011
 Second Amended

Complaint Filed: June 26, 2012
 Third Amended

Complaint Filed: July 17, 2013

Trial Date: None Set
 Judge: Honorable Jon S. Tigar

1 WHEREAS, under the existing pretrial schedule, Plaintiffs' deadline to produce an expert
2 report was November 11, 2013, and the scheduled date for mediation is November 19, 2013;

3 WHEREAS, although the parties have worked diligently to meet the existing expert
4 discovery deadlines, complications in the available data have frustrated the parties'
5 efforts. Plaintiffs recently produced a narrower list of persons for whom they required data, and
6 that has enabled SimplexGrinnell to collect and produce most of the required data.

7 WHEREAS, because Plaintiffs did not have all of the data they required, they were unable
8 to produce their report by November 11, 2013, and the parties continued to discuss an extension
9 through that date. Due to Plaintiffs' expert's pre-existing schedule conflicts and the delay in the
10 production of data, they cannot complete their expert report until November 25, 2013;

11 WHEREAS, the parties agree that having expert reports available at the time of mediation
12 will increase the chances that mediation will be successful. Thus, it is desirable to postpone
13 mediation. In that regard, the parties and the mediator are all available on January 8, 2014;

14 WHEREAS, in light of the current circumstances, the parties believe it is in the interests of
15 justice to extend the existing deadlines for expert discovery, in addition to the scheduled date for
16 mediation and the hearing for Plaintiffs' Motion for Partial Summary Judgment. These deadlines
17 will not affect the existing deadline of January 30, 2014 for the parties to file motions for class
18 certification and/or dispositive motions;

19 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

20 1. Upon the approval of the Court, Plaintiffs' deadline to produce the damages expert
21 report from designated expert witness Robert Fountain is extended to November 25, 2013;

22 2. Defendant's deadline to produce its rebuttal expert damages report is extended to
23 December 16, 2013;

24 3. The parties' damages expert deposition deadline is extended to January 10, 2014.

25 4. The mediation deadline is extended to January 15, 2014;

26 5. The hearing date for Plaintiffs' Motion for Partial Summary Judgment is extended
27 to January 23, 2014;

28 6. The expert discovery deadline shall be January 10, 2014;

1 7. The deadline for filing class certification and dispositive motions remains January
2 30, 2014.

3
4 Dated: November 15, 2013

Respectfully submitted,

5 By: /s/ Raymond C. Fay

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15 *Attorneys for Plaintiffs and Proposed Class*

16
17 Dated: November 15, 2013

18 By: /s/ Dominick Capozzola

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ATTESTATION

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: November 15, 2013

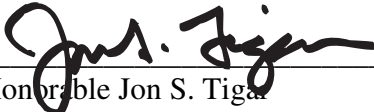
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~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties and GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: November 18, 2013



Honorable Jon S. Tigar
United States District Court Judge