

1 Richard A. Hoyer (SBN 151931)
 David C. Lipps (SBN 269933)
 2 HOYER & ASSOCIATES
 240 Stockton Street, 9th Floor
 3 San Francisco, CA 94108
tel (415) 956-1360
 4 *fax* (415) 276-1738
 rhoyer@hoyerlaw.com
 5 dlipps@hoyerlaw.com

6 Attorneys for Plaintiff
 AARON PALM

8 GIBSON, DUNN & CRUTCHER LLP
 MICHELE L. MARYOTT (SBN 191993)
 9 MMaryott@gibsondunn.com
 DEIRDRE P. LANNING (SBN 260247)
 10 DLanning@gibsondunn.com
 3161 Michelson Drive
 11 Irvine, CA 92612-4412
 Telephone: (949) 451-3800
 12 Facsimile: (949) 451-4220

13 Attorneys for Defendant
 SUR LA TABLE, INC.

15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 AARON PALM, on behalf of himself and all
 18 others similarly situated,

19 Plaintiffs,

20 vs.

21 SUR LA TABLE, INC., a Corporation, and
 22 DOES 1–25

23 Defendants,
 24

Case No. 12-cv-01250-JCS

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE CLASS
 CERTIFICATION AND PRE-TRIAL
 DEADLINES**

1 1. WHEREAS the parties agreed to, and the Court subsequently ordered that, the
2 parties participate in mediation.

3 2. WHEREAS the initial mediation deadline was December 5, 2012, but the parties
4 agreed to postpone the mediation to January 15, 2013.

5 3. WHEREAS the parties have agreed to again briefly postpone the mediation to allow
6 time for further discovery that the parties anticipate will facilitate a more productive
7 mediation.

8 4. WHEREAS the mediation has been rescheduled for March 15, 2013.

9 5. WHEREAS in the event the case is not resolved at mediation, the parties will need
10 more time after the mediation to complete discovery on the individual claims and for class
11 certification.

12 6. WHEREAS, Defendant has advised Plaintiff that it will not agree to a further
13 postponement of the mediation.

14 7. THE PARTIES THUS STIPULATE AND JOINTLY REQUEST THAT the following
15 discovery and motion deadlines set forth in the Court's Case Management and Pre-Trial
16 Order be postponed as follows:

- 17 • **Class Certification Claims**
 - 18 ○ Plaintiff's class certification expert disclosure deadline: May 10, 2013;
 - 19 ○ Defendant's class certification expert disclosure deadline: June 7,
20 2013;
 - 21 ○ Deadline for all expert disclosures in connection with class certification
22 required by Federal Rules of Civil Procedure: July 12, 2013;
 - 23 ○ Class certification non-expert discovery cut-off: July 12, 2013;
 - 24 ○ Deadline to exchange rebuttal expert reports for class certification:

1 August 14, 2013;

- 2 ○ Class certification expert discovery cut-off: September 6, 2013;
- 3 ○ Class certification motion filing deadline: September 27, 2013;
- 4 ○ Class certification motion opposition filing deadline: November 8, 2013;
- 5 ○ Class certification motion reply filing deadline: December 6, 2013;
- 6 ○ Class certification motion hearing: January _____, 2013, at
- 7 _____, date and time to be determined by the Court.

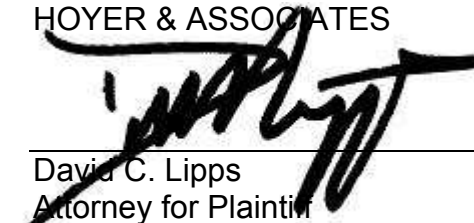
- 8 • **Individual Claims**

- 9 ○ Plaintiff's expert disclosure deadline: April 19, 2013;
- 10 ○ Defendant's expert disclosure deadline: May 17, 2013;
- 11 ○ Deadline for exchange of expert reports: June 14, 2013;
- 12 ○ Non-expert discovery cut-off: August 9, 2013;
- 13 ○ Deadline for all expert disclosures required by Federal Rules of Civil
- 14 Procedure: July 15, 2013;
- 15 ○ Deadline to exchange rebuttal expert reports: August 16, 2013;
- 16 ○ Expert discovery cut-off: September 13, 2013.

17 All other dates remain unchanged - JCS.

18 Date: January 11, 2013

HOYER & ASSOCIATES



David C. Lipps
Attorney for Plaintiff
AARON PALM

22 ///

23 ///

24 ///

1 Date: January 11, 2013

GIBSON, DUNN & CRUTCHER LLP

2
3 /s/

4 Michele L. Maryott
5 Deirdre P. Lanning
6 Attorneys for Defendant
7 SUR LA TABLE, INC.

8 Date: 1/15/13

IT IS SO ORDERED.

