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18 Attorneys for Defendant
 19 THE HERSHEY COMPANY

20 UNITED STATES DISTRICT COURT
 21 NORTHERN DISTRICT OF CALIFORNIA
 22 SAN FRANCISCO DIVISION

23 GREGORY P. BARNES, DAVID C.
 24 BOLLE, and MARY D. WASSON, on
 25 their own behalf and on behalf of others
 26 similarly situated

27 Plaintiffs,

28 vs.

THE HERSHEY COMPANY,

Defendant.

Case No. 3:12-cv-01334-CRB

**STIPULATION AND ORDER CHANGING
 DATE OF HEARING ON PLAINTIFFS'
 MOTION FOR CONDITIONAL
 COLLECTIVE ACTION CERTIFICATION
 TO FEBRUARY 15, 2013**

1
2 **STIPULATION**

3 Defendant The Hershey Company (“Hershey”) and Plaintiffs Gregory P. Barnes, David C.
4 Bolle, and Mary D. Wasson (“Plaintiffs”), by and through their respective counsel, jointly request
5 an order rescheduling the hearing date regarding Plaintiffs’ Motion for Collective Action
6 Certification, pursuant to Civil Local Rules 6-2 and 7-12 of the Northern District of California, as
7 follows:

8 1. WHEREAS, on November 1, 2012, Plaintiffs Gregory P. Barnes, David C. Bolle,
9 and Mary D. Wasson (“Plaintiffs”) filed a Notice of Motion For Conditional Certification and
10 Notice to Putative Collective Action Members Pursuant to 29 U.S.C. § 216(b) (“Plaintiffs’
11 Motion”), Dkt. No. 63. Plaintiffs noticed the Motion for hearing for December 7, 2012.

12 2. WHEREAS, on November 15, 2012, Hershey filed its Memorandum of Points and
13 Authorities in Opposition to Plaintiffs’ Motion, Dkt. No. 73;

14 3. WHEREAS, on November 26, 2012, Plaintiffs filed their Reply in Support of their
15 Motion, Dkt. 74;

16 4. WHEREAS, on December 3, 2012, the Court rescheduled the hearing on
17 Plaintiffs’ Motion from December 7, 2012 to January 11, 2013;

18 5. WHEREAS, Mr. Landy’s wife is pregnant and anticipates labor commencing at
19 any time, and Mr. Landy, who is responsible for the day-to-day management of this litigation for
20 Hershey, will be unavailable to attend the hearing on Plaintiffs’ Motion on the rescheduled date
21 or for two weeks thereafter, through January 25, 2013;

22 6. WHEREAS, the Court’s website reflects that Judge Breyer is not available on the
23 following two Fridays, February 1 and 8, 2013;

24 7. WHEREAS, having met and conferred, the parties agree that the Court may
25 reschedule the hearing without any prejudice to any party;

26 8. WHEREAS, the parties have previously stipulated to one request to continue the
27 August 3, 2012 case management conference, Dkt. No. 40, and two requests to revise the briefing
28 schedules in connection with Hershey’s Motion to Transfer Venue, Dkt. No. 22, and Plaintiffs’
Motion to Compel, Dkt. No. 60;

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9. WHEREAS, the requested rescheduling of the hearing on Plaintiffs' Motion will not alter the date of any other event or any deadline already fixed by Court Order;

IT IS HEREBY STIPULATED, pursuant to Local Rule 6-2 by and between the parties hereto, through their respective counsel, that the hearing regarding Plaintiffs' Motion be rescheduled from January 11, 2013 to February 15, 2013.

Dated: January 4, 2013

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ Daryl S. Landy
Daryl S. Landy

Attorneys for Defendant
THE HERSHEY COMPANY

Dated: January 4, 2013

HOBAN & FEOLA, LLC

By: /s/ David C. Feola
David C. Feola (admitted *pro hac vice*)

Attorneys for Plaintiffs
GREGORY P. BARNES, DAVID C.
BOLLE, and MARY D. WASSON

Pursuant to L.R. 5-1(i)(3) regarding signatures, I, Daryl S. Landy, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 4th day of January, 2013, at Palo Alto, California.

/s/ Daryl S. Landy
Daryl S. Landy

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ORDER

Pursuant to the parties Stipulation and for good cause shown, the January 11, 2013 hearing on Plaintiffs' Motion for Collective Action Certification shall be removed from the Court's calendar, and the hearing shall be held on February 15, 2013.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Date: January 8, 2013

