

1 ARNOLD & PORTER LLP
 2 Matthew T. Heartney (SBN 123516)
 matthew.heartney@aporter.com
 3 Alex Beroukhim (SBN 220722)
 alex.beroukhim@aporter.com
 4 777 South Figueroa Street, Forty-Fourth Floor
 Los Angeles, California 90017-5844
 Telephone: 213.243.4000
 Facsimile: 213.243.4199

5 *Attorneys for Defendants BP Solar International, Inc.*
 6 *and Home Depot U.S.A., Inc.*

7 Richard M. Heimann (CA 063607)
 rheimann@lchb.com
 8 Robert J. Nelson (CA 132797)
 rnelson@lchb.com
 9 Nimish R. Desai (CA 244953)
 ndesai@lchb.com
 10 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
 11 275 Battery Street, 29th Floor
 San Francisco, CA 94111-3339
 Telephone: (415) 956-1000
 12 Facsimile: (415) 956-1008

13 David M. Birka-White (CA 85721)
 dbw@birka-white.com
 14 Mindy M. Wong (CA 267820)
 mwong@birka-white.com
 15 BIRKA-WHITE LAW OFFICES
 16 65 Oak Court
 Danville, CA 94526
 Telephone: (925) 362-9999
 17 Facsimile: (925) 362-9970

18 *Attorneys for Plaintiffs' and the Proposed Class*

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

22 MICHAEL ALLAGAS, ARTHUR RAY and
 23 BRETT MOHRMAN, on behalf of themselves
 and all others similarly situated,

24 Plaintiffs,

25 v.

26 BP SOLAR INTERNATIONAL, INC., HOME
 27 DEPOT U.S.A., INC. and DOES 1 -10,
 inclusive,

28 Defendants.

Case No.: 3:14-cv-00560-SI (EDL)

**STIPULATION AND ~~PROPOSED~~
 ORDER REGARDING SETTLEMENT**

1 **STIPULATION**

2 WHEREAS, on March 1, 2016, the parties entered into a Memorandum of Understanding
3 relating to the resolution of all claims in this action that will form the basis for a settlement
4 agreement that the parties will submit for Court approval as soon as possible;

5 WHEREAS, plaintiffs’ motion for class certification and defendants’ motion to strike
6 experts are set for hearing on March 25, 2016;

7 WHEREAS, the parties agree that there is good cause to vacate, without prejudice, the
8 hearings on the motion for class certification and motion to strike experts, and all other future dates,
9 so that they can finalize a definitive settlement agreement and avoid potentially needless
10 expenditure of Court resources;

11 WHEREAS, the parties agree to update the Court regarding the status of resolution in forty
12 five (45) days (*i.e.*, on or before April 18, 2016 (the 45th day falls on a Saturday));

13 IT IS HEREBY STIPULATED AND AGREED, by and between the parties hereto, that the
14 March 25, 2016 hearings on the motion for class certification and motion to strike experts and all
15 future dates, will be vacated, without prejudice, and that the parties will update the Court on the
16 status of resolution by April 18, 2016.

17 I hereby attest that I have on file all holograph signatures for any signatures indicated by a
18 “conformed” signature (/s/) within this e-filed document.

19 Dated: March 2, 2016.

ARNOLD & PORTER LLP

20 By: /s/ E. Alex Beroukhim
E/ Alex Beroukhim
21 Attorneys for Defendants BP Solar International,
22 Inc. and Home Depot U.S.A., Inc.

23 Dated: March 2, 2016.

LIEFF CABRASER HEIMANN & BERNSTEIN, LLP

24 By: /s/ Robert J. Nelson
Robert J. Nelson
25 Attorneys for Plaintiffs and the Proposed Class

26 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Motions are withdrawn without prejudice to

27 Dated: refiling 3/4/16



28 Honorable Susan Illston
U.S. DISTRICT COURT JUDGE