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12 [ADDITIONAL COUNSEL LISTED  
 13 ON NEXT PAGE]

14 *Attorneys for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**  
 16 **NORTHERN DISTRICT OF CALIFORNIA**  
 17 **SAN FRANCISCO DIVISION**

18 STUDENT A, by and through PARENT A, her  
 19 guardian; STUDENT B, by and through  
 20 PARENT B, his guardian; STUDENT C, by and  
 21 through PARENT C, his guardian; and  
 22 STUDENT D, by and through PARENT D, her  
 23 guardian, each one individually and on behalf of  
 24 all other similarly situated children,

25 Plaintiffs,

26 v.

27 THE BERKELEY UNIFIED SCHOOL  
 28 DISTRICT and THE BOARD OF EDUCATION  
 OF THE BERKELEY UNIFIED SCHOOL  
 DISTRICT,

Defendants.

Case No. 3:17-cv-02510-JST

**STIPULATION AND [PROPOSED]  
 SCHEDULING ORDER REGARDING  
 CLASS CERTIFICATION DEADLINES**

Current Hearing:

Date: April 11, 2019  
 Time: 2:00 p.m.  
 Courtroom: 9, 19th Floor  
 Judge: Hon. Jon S. Tigar

Proposed Hearing:

Date: August 22, 2019  
 Time: 2:00 p.m.  
 Courtroom: 9, 19th Floor  
 Judge: Hon. Jon S. Tigar

Action Filed: May 2, 2017

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*Attorneys for Defendants*

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1 Plaintiffs Student A, B, C, and D (collectively, “Plaintiffs”) and Defendants The Berkeley  
2 Unified School District and The Board of Education of Berkeley Unified School District  
3 (collectively, “Defendants”), by and through their respective counsel, HEREBY STIPULATE and  
4 AGREE as follows:

5 WHEREAS, on November 9, 2017, the Court referred this litigation to a settlement  
6 conference before a magistrate judge (Dkt. 82), and the case was assigned to the Hon. Laurel  
7 Beeler for settlement;

8 WHEREAS, on March 27, 2018, the parties engaged in a settlement conference  
9 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a second  
10 settlement conference and to an informal stay of discovery pending the second conference;

11 WHEREAS, on April 13, 2018, the parties and the Court participated in a  
12 telephone case management conference (Dkt. 97);

13 WHEREAS, on April 16, 2018, the parties’ second settlement conference with  
14 Judge Beeler was set for June 6, 2018;

15 WHEREAS, on April 17, 2018, the Court issued a scheduling order (Dkt. 98),  
16 establishing December 6, 2018, at 2:00 p.m. as the hearing on Plaintiffs’ class certification motion,  
17 with the opening brief being due October 5, 2018, opposition brief being due October 26, 2018,  
18 and reply brief being due November 9, 2018;

19 WHEREAS, on May 22, 2018, Judge Beeler rescheduled the June 6 settlement  
20 conference due to an unanticipated conflict (Dkt. 100), setting the conference for June 29, 2018  
21 (Dkt. 101);

22 WHEREAS, on June 22, 2018, Judge Beeler rescheduled the June 29, 2018  
23 settlement conference to October 9, 2018 (Dkt. 102);

24 WHEREAS, on September 20, 2018, the Court signed the parties’ Stipulation and  
25 [Proposed] Order, resetting the deadlines with respect to Plaintiffs’ class certification motion (Dkt.  
26 105);

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1           WHEREAS, on October 9, 2018, the parties engaged in a settlement conference  
2 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a third  
3 settlement conference;

4           WHEREAS, on October 12, 2018, Judge Beeler set the third settlement conference  
5 for December 12, 2018 (Dkt. 107);

6           WHEREAS, on December 12, 2018, the parties engaged in a settlement conference  
7 with Judge Beeler, but did not resolve their dispute at that time, agreeing to attend a fourth  
8 settlement conference;

9           WHEREAS, on December 12, 2018, Judge Beeler set a fourth settlement  
10 conference for February 28, 2019, along with a schedule for the exchange of materials and drafts  
11 of the parties' settlement proposal (Dkt. 109);

12           WHEREAS, the parties have conferred and have agreed that, in light of the  
13 unanticipated continuance of the settlement conference to February 28, 2019, which is twenty (20)  
14 days after Plaintiffs' opening brief on their class certification motion is due, the current class  
15 certification deadlines should be continued for a period of four months to allow settlement  
16 discussions to continue;

17           NOW, THEREFORE, the parties stipulate and propose the following scheduling order  
18 pertaining to Plaintiffs' Motion for Class Certification:

19           1.       The time for Plaintiffs to file their opening brief in support of the motion shall be  
20 June 21, 2019.

21           2.       The time for Defendants to file their brief in opposition to the motion shall be July  
22 12, 2019.

23           3.       The time for Plaintiffs to file their reply brief in support of the motion shall be July  
24 26, 2019.

25           4.       The date of the hearing shall be set for August 22, 2019.

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1 **SO STIPULATED**

2 DATED: December 31, 2018

Respectfully submitted,

3 By: /s/ Larisa Cummings

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**[PROPOSED] SCHEDULING ORDER**

The Court hereby extends the following case deadlines:

<b>Event</b>	<b>Current Deadline</b>	<b>New Deadline</b>
Class certification motion due	February 8, 2019	June 21, 2019
Class certification opposition due	March 1, 2019	July 12, 2019
Class certificate reply due	March 15, 2019	July 26, 2019
Hearing on class certification motion	April 11, 2019	August 22, 2019

Counsel may not modify these dates without leave of court. The parties shall comply with the Court’s standing orders, which are available at [cand.uscourts.gov/jstorders](http://cand.uscourts.gov/jstorders).

**IT IS SO ORDERED.**

Dated: January 3, 2019

  
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JON S. TIGAK  
United States District Judge

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**CIVIL L.R. 5-1 ATTESTATION**

Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from each of the other Signatories.

/s/ *Brendan Radke*