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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JASMEN HOLLOWAY, AMY GARCIA,
CHERYL CHAPPEL, ERIC
BLACKSHER, JESSICA TREAS,
LAWRENCE SANTIAGO, JR.,
MUEMBO MUANZA, MAURICE
CALHOUN, and NICHOLAS DIXON on
behalf of themselves and all others
similarly situated,

Plaintiffs,

vs.

BEST BUY CO., INC., and BEST BUY
STORES, L.P.,

Defendants.

Case No. C 05-05056 PJH (MEJ)

[Hon. Phyllis J. Hamilton]

**STIPULATION AND [~~PROPOSED~~]
ORDER RE CLASS CERTIFICATION
BRIEFING**

WHEREAS, on May 6, 2010, following the issuance of the Ninth Circuit’s en banc decision in *Dukes v. Wal-Mart*, --F.3d--, 2010 WL 1644259, the Court issued an Order providing that the parties should submit additional briefing in light of *Dukes*, given that “some of the arguments both for and against certification are likely to change in view of that opinion.” In particular, the Court stated that “the parties are hereby ordered to re-brief the class certification motion and opposition, removing those arguments and authority that are no longer applicable and addressing the court’s concerns as set forth in the March 9, 2010 order”;

WHEREAS, the Court also ordered that the “parties shall meet and confer about a briefing schedule and submit a stipulation”;

WHEREAS, the Court also ordered that “Plaintiffs shall advise the court in the stipulation whether they choose to withdraw their previously filed motion for class certification or whether

1 they prefer the court administratively terminate that motion”;

2 THEREFORE, pursuant to the Court’s May 6, 2010 Order, the parties stipulate to the
3 following:

4 1. Briefing Schedule

- 5 a. Plaintiffs’ motion for class certification shall be filed by July 21, 2010.
6 b. Defendants’ opposition brief shall be filed by October 6, 2010.
7 c. Plaintiffs’ reply brief shall be filed by November 10, 2010.

8 2. Plaintiffs hereby advise the Court that they withdraw their previously filed motion
9 for class certification..

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12 Dated: May 17, 2010

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Dated: May 17, 2010

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Best Buy Co., Inc. and Best Buy Stores, L.P.

[PROPOSED] ORDER

Pursuant to stipulation, it is SO ORDERED.

Dated: 5/28/10

Phyllis J. Hamilton
United States District Judge

