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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA

17 JUANITA WYNNE and DANTE)
 18 BYRD, ON BEHALF OF)
 THEMSELVES AND CLASSES OF)
 19 THOSE SIMILARLY SITUATED,)
 20 Plaintiffs,)
 21 v.)
 22 MCCORMICK & SCHMICK’S)
 SEAFOOD RESTAURANTS, INC. and)
 23 MCCORMICK & SCHMICK)
 RESTAURANT CORP.,)
 24 Defendants.)

Case No. C-06-3153 CW

**JOINT STIPULATION AND
 ORDER EXTENDING TIME FOR
 DEFENDANTS TO SUBMIT
 PROGRESS REPORT TO
 DIVERSITY MONITOR AND
 CLASS COUNSEL**

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 26 ///
 27 ///
 28 ///

1 WHEREAS, this Court entered final approval of the Consent Decree on
2 August 6, 2008;

3 WHEREAS, Section XVIII(C) of the Consent Decree requires Defendants to
4 submit an annual Progress Report to the Diversity Monitor and Class Counsel on
5 an annual basis and provides that the reports are due 30 days after the close of
6 designated reporting periods;

7 WHEREAS, the Consent Decree requires that Defendants report, among
8 other things, whether certain hiring benchmarks for the hiring of African-American
9 job applicants are met in a given reporting year;

10 WHEREAS, this Court entered an Order dated October 1, 2009, amending
11 Section XVIII(C) of the Consent Decree to give Defendants 90 days after the close
12 of the designated reporting periods to submit the Annual Progress Report;

13 WHEREAS, for the 2009 reporting period, Defendants require an additional
14 two weeks to complete the hiring benchmark analysis due to an unavoidable delay
15 in the collection of applicant flow data and subsequent data analyses;

16 WHEREAS, the Parties have met and conferred on this issue, and Class
17 Counsel does not oppose Defendants' proposal that Defendants be provided an
18 additional two weeks to submit the first progress report for the 2009 reporting year;
19 and

20 WHEREAS, the Parties agree that this proposed two-week extension to
21 extend the date for submission of the first Progress Report to the Diversity Monitor
22 and Class Counsel does not materially alter Defendants' obligations under the
23 Consent Decree.

24 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES that
25 Defendants shall have an additional two weeks to submit the first annual Progress
26 Report as set forth in Section XVIII(C) of the Consent Decree, as previously
27 amended by Court Order.

28

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

3 DATED: November 9, 2009

By: /s/ James M. Finberg

4 James M. Finberg

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27 RIGHTS OF THE SAN FRANCISCO BAY
28 AREA

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*Attorneys for Plaintiffs and the proposed Class
Members JUANITA WYNNE and DANTE
BYRD, on behalf of themselves and classes of
those similarly situated*

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DATED: November 9, 2009

SEYFARTH SHAW LLP

By /s/ William C. Thomas III
William C. Thomas III
One of the Attorneys for Defendants
MCCORMICK & SCHMICK'S SEAFOOD
RESTAURANTS, INC. AND MCCORMICK &
SCHMICK'S RESTAURANT CORP.

ORDER

The foregoing stipulation is approved, and IT IS SO ORDERED.

DATED: 11/10, 2009



HONORABLE CLAUDIA WILKEN
Judge, United States District Court