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 8 Attorneys for Plaintiff
 CATHERINE SULLIVAN

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 10 **UNITED STATES DISTRICT COURT**
 11 **NORTHERN DISTRICT OF CALIFORNIA**

12 CATHERINE SULLIVAN, on behalf of herself
 and all others similarly situated,

13 Plaintiff,

14 v.

15 KELLY SERVICES, INC., and DOES 1
 16 through 10 inclusive,

17 Defendants.
 18

Case No.: CV 07-02784 CW

CLASS ACTION

**STIPULATION AND ORDER TO
 EXTEND CERTAIN CASE DEADLINES
 SET BY CASE MANAGEMENT ORDER**

1 Plaintiff Catherine Sullivan (“Plaintiff”) and Defendant Kelly Services, Inc. (“Defendant”),
2 through their respective counsel, hereby stipulate as follows, and mutually request the Court to
3 approve this Stipulation and enter its Order accordingly:

4 **STIPULATION**

5 WHEREAS Plaintiff filed the Complaint herein on April 20, 2007 and subsequently filed a
6 First Amended Complaint on July 27, 2007, and Defendant appeared and answered when it removed
7 the case to this Court;

8 WHEREAS an initial case management conference was held on September 11, 2007 and the
9 Court set a deadline of February 22, 2008 for the cut off of class certification discovery and a
10 deadline of May 22, 2008 for the filing of a motion for class certification;

11 WHEREAS the parties exchanged initial disclosures and promptly commenced formal
12 discovery such as requesting and producing documents, propounding interrogatories, noticing
13 depositions of persons most knowledgeable, and appearing for Plaintiff’s deposition;

14 WHEREAS although Defendant worked diligently to provide discovery responses, met and
15 conferred over discovery responses and provided supplemental responses, such efforts took longer
16 than anticipated by the parties;

17 WHEREAS despite the parties’ best efforts to comply with the deadlines set by the Court,
18 the parties requested and were granted two extensions of the deadlines set by the initial case
19 management order;

20 WHEREAS pursuant to the parties’ most recent stipulation, this Court ordered that Plaintiff
21 file her motion for class certification on or before October 6, 2008 and scheduled a hearing date for
22 that motion for November 13, 2008;

23 WHEREAS Plaintiff filed a motion for leave to amend her complaint on July 10, 2008 that
24 was denied by the Court on August 11, 2008;

25 WHEREAS on September 25, 2008, Defendant filed a motion for summary judgment;

26 WHEREAS Defendant’s motion for summary judgment will be heard on October 30, 2008,
27 two weeks before Plaintiff’s motion for class certification;

1 WHEREAS the parties agree that the issue of class certification can be made moot if
2 Defendant's motion for summary judgment is successful;

3 WHEREAS the parties agree that neither party is served by expending the time and resources
4 to fully brief Plaintiff's motion class certification while Defendant's motion for summary judgment
5 remains pending before the Court;

6 THEREFORE, the parties stipulate that the deadline to file Plaintiff's motion for class
7 certification currently set for October 6, 2008 and the hearing date for Plaintiff's class certification
8 motion currently set for November 13, 2008 be vacated until after the Court rules on Defendant's
9 motion for summary judgment. The parties further stipulate that if the Court denies Defendant's
10 motion for summary judgment, Plaintiff will file the motion for class certification no later than three
11 (3) weeks after the Court issues its decision.

12 Dated: September 30, 2008

KELLER GROVER LLP

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14
15 By: _____ /s/
16 ERIC A. GROVER
17 Attorneys for Plaintiff
Catherine Sullivan

18 Dated: September 30, 2008

**SHEPPARD, MULLIN, RICHTER &
HAMPTON LLP**

19
20 By: _____ /s/
21 DEREK HAVEL
22 GEOFFREY D. DEBOSKEY
23 LAUREN D. THIBODEAUX
Attorneys for Defendant
24 Kelly Services, Inc.
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ORDER

Good cause appearing, IT IS HEREBY ORDERED THAT the deadline to file Plaintiff's motion for class certification currently set for October 6, 2008 and the hearing date for Plaintiff's class certification motion currently set for November 13, 2008 are vacated. If the Court denies Defendant's motion for summary judgment, which is scheduled to be heard on October 30, 2008, Plaintiff will file her motion for class certification no later than (3) weeks after the Court issues its decision.

SO ORDERED.

9/30/08

Date: _____



CLAUDIA WILKEN, JUDGE
United States District Court

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