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7 Attorneys for Defendant,  
 8 **ADVANCED MEDICAL OPTICS, INC.**

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

12 ALEXIS DEGELMANN and  
 13 JOSEPH LIN, on behalf of  
 themselves and all those similarly  
 14 situated,

15 Plaintiffs,

16 vs.

17 **ADVANCED MEDICAL OPTICS,**  
**INC.,** a Delaware corporation,

18 Defendants.

CASE NO.: C-07-3107-PJH

**STIPULATION AND [PROPOSED]  
 ORDER TO CONTINUE DATES SET  
 FORTH IN THE COURT’S  
 NOVEMBER 15, 2007 SCHEDULING  
 ORDER SETTING HEARING DATES  
 AND OTHER DEADLINES**

**Judge: Hon. Phyllis J. Hamilton**

23 Pursuant to Local Rules 6-2, 7-12, and 16-2(e), Defendant **ADVANCED**  
 24 **MEDICAL OPTICS, INC.** (hereafter “**AMO**”) and Plaintiffs **ALEXIS DEGELMANN**  
 25 (“**DEGELMANN**”) and **JOSEPH LIN** (“**LIN**”) hereby stipulate and agree to continue  
 26 all of the hearing dates and deadlines set forth in the Court’s November 15, 2007  
 27 Scheduling Order for a period of ninety (90) days. The reasons for continuing the  
 28 hearing dates and deadlines are as follows:

1 The parties have been attempting, and continue to attempt, to cooperatively  
2 resolve various issues relating to written and deposition discovery. While negotiations  
3 between the parties have been successful in resolving certain issues, there have been  
4 other issues where no agreement was able to be reached and which have resulted in the  
5 need for discovery motions. Both sides acknowledge that these discovery issues, and  
6 their resolution, directly relate to the issues that are anticipated to be raised in AMO's  
7 early motion for summary judgment.

8 Among the discovery issues include AMO's recently filed motion for protective  
9 order regarding Plaintiffs' proposed depositions of certain high-level executives. (That  
10 motion is set for hearing on February 20, 2008). Plaintiffs will shortly be filing with  
11 Magistrate Judge Larson a "joint statement" to resolve a dispute between the parties  
12 concerning AMO's objections to plaintiffs' requests for admissions. In addition,  
13 Plaintiffs intend to move to compel the production of witnesses in response to their  
14 Notice of Deposition Pursuant to Fed. R. Civ. Pro. 30(b)(6). The parties are also  
15 attempting to schedule mutually convenient dates and times for the depositions of  
16 certain AMO employees not subject to the protective order motion and of the two  
17 Plaintiffs.

18 The parties believe that providing additional time to achieve resolution of these  
19 discovery issues will streamline the issues to be briefed and will ultimately save time  
20 by ensuring that both parties have sufficient written and deposition discovery available  
21 to them to make and oppose both AMO's early motion for summary judgment and, if it  
22 is necessary, plaintiffs' motion for class certification. As such, the parties request the  
23 Court to continue for approximately ninety (90) days the various motion hearing dates  
24 and deadlines set forth in the Court's November 15, 2007 Scheduling Order as follows:

25 1. The hearing date on AMO's early motion for summary judgment re:  
26 standing and jurisdictional issues is postponed from March 19, 2008 to June 18, 2008  
27 at 9:00 AM. The motion shall be set on a 35 day briefing schedule consistent with the  
28 Court's previous scheduling order.

1 2. The hearing date on Plaintiffs' class certification motion is postponed  
2 from June 4, 2008 to September 10, 2008 at 9:00 AM. Again, pursuant to the Court's  
3 prior scheduling order, the parties shall submit a stipulated briefing schedule to the  
4 Court based upon the September 10, 2008 hearing date.

5 3. The last day to amend the pleadings will remain 30 days prior to the  
6 deadline for filing the class certification motion.

7 4. The parties' private mediation shall now be completed between June 19,  
8 2008 and August 8, 2008.

9 There have been two prior stipulations to extend time in this matter between the  
10 parties. The prior stipulations extended the time for AMO to respond to Plaintiffs'  
11 complaint, extended the time for the parties to conduct their initial Case Management  
12 Conference with the Court, and extended the time for the Court to hear AMO's  
13 previously filed motion to strike.

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15 Dated: February 6, 2008

**MORRIS POLICH & PURDY LLP**

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By: 

Anthony G. Brazil  
David J. Vendler  
Megan W. Wynne

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Attorneys for Defendant  
ADVANCED MEDICAL OPTICS, INC.

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23 Dated: February \_\_, 2008

**MOSCONE, EMBLIDGE, & QUADRA, LLP**

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By: Sylvia Sokol by consent

James A. Quadra  
Sylvia M. Sokol

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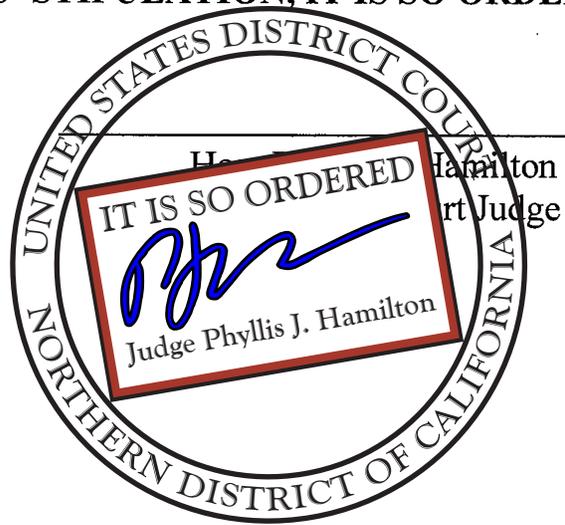
Attorneys for Plaintiffs ALEXIS DEGELMANN  
and JOSEPH LIN

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**PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.**

Dated: 2/7/08



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**ELECTRONIC CERTIFICATE OF SERVICE**

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and am not a party to the within action.

On February 6, 2008, pursuant to the Court’s Electronic Filing System, I

submitted an electronic version of the following documents via file transfer protocol to ECF (Electronic Case Filing)

**STIPULATION AND [PROPOSED] ORDER TO CONTINUE DATES SET FORTH IN THE COURT’S NOVEMBER 15, 2007 SCHEDULING ORDER SETTING HEARING DATES AND OTHER DEADLINES**

submitted a hard copy of the following document to ECF (Electronic Case Filing) by  
 facsimile  overnight delivery

**STATE** I declare under penalty of perjury under the laws of the state of California, that the above is true and correct.

**FEDERAL** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made

Executed on February 6, 2008, at Los Angeles, California.

  
\_\_\_\_\_  
Mineeh P. Lapid