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7 Attorneys for Defendants
 LENNOX HEARTH PRODUCTS INC.; LENNOX
 8 INTERNATIONAL INC.

9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA

12 KIRK KEILHOLTZ and KOLLEEN
 13 KEILHOLTZ for themselves and on behalf
 of those similarly situated,
 14 Plaintiffs,
 15 v.
 16 LENNOX HEARTH PRODUCTS INC.;
 17 LENNOX INTERNATIONAL INC. and
 DOES 1 through 25, Inclusive,
 18 Defendants.
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Case No. 4:08-cv-00836-CW (JCS)

**STIPULATION AND ORDER SETTING
 NEW BRIEFING AND HEARING
 SCHEDULE ON CLASS CERTIFICATION
 MOTION**

20 TO THE COURT AND ALL ATTORNEYS OF RECORD:
 21 By and through their counsel of record, Defendants Lennox Hearth Products Inc. and
 22 Lennox International Inc. (“Defendants”), and Plaintiffs Kirk Keilholtz and Kolleen Keilholtz
 23 (“Plaintiffs”), hereby stipulate as follows:

24 1. At the Status (Pre-Trial Scheduling) Conference conducted on May 14, 2009, and
 25 as confirmed in the Minute Order issued on May 21, 2009, the court ordered that any hearing on
 26 class certification and subject matter jurisdiction issues would be conducted on Thursday,
 27 October 8, 2009, at 2:00 p.m. The court ordered the following briefing schedule to address these
 28 issues:

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Party	Filing	Deadline
Plaintiffs	Motion for Class Certification	July 31, 2009
Defendants	Opposition to Motion for Class Certification and Cross-Motion Addressing Class Certification and Subject Matter Jurisdiction (“Cross-Motion”)	August 28, 2009
Plaintiffs	Reply in Support of Motion for Certification and Opposition to Cross-Motion	September 11, 2009
Defendants	Surreply	September 25, 2009

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10 2. Plaintiffs and Defendants have agreed, and hereby stipulate, to extend the hearing
11 date and briefing schedule on the Motion for Class Certification and Cross-Motion by
12 approximately one month. Specifically, the stipulation proposes that the court, subject to its
13 availability, reschedule the hearing on the Motion for Class Certification and Cross-Motion for
14 Thursday, November 12, 2009, at 2:00 p.m., with the following revised briefing schedule:

Party	Filing	Deadline
Plaintiffs	Motion for Class Certification	August 28, 2009
Defendants	Opposition to Motion for Class Certification and Cross-Motion	September 28, 2009
Plaintiffs	Reply in Support of Motion for Certification and Opposition to Cross-Motion	October 12, 2009
Defendants	Surreply	October 26, 2009

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22 3. Defendants requested this extension after discussion of defense scheduling
23 conflicts. Specifically, Defendants advised Plaintiffs that lead defense counsel, William Warne,
24 will begin a four-week jury trial in Stanislaus Superior court on August 4, 2009 which will greatly
25 impact his ability to participate in the briefing on the Motion for Class Certification and Counter-
26 Motion. In addition, Defendants will file (on July 9, 2009), a motion to dismiss Plaintiffs' Second
27 Amended Complaint. Under the current briefing schedule, this motion would not be resolved
28 until after Plaintiffs are required to file their Motion for Class Certification. Finally, the brief

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extension will facilitate the parties' efforts to informally resolve discovery issues which may impact certification briefing.

4. Defendants note that their counsel Megan Baker, who will participate significantly in Defendants' class action briefing, will be unavailable due to maternity leave from October 30, 2009, through March 1, 2010.

IT IS HEREBY STIPULATED:

DATED: July 10, 2009

DOWNEY BRAND LLP

By: /s/ Meghan M. Baker
MEGHAN M. BAKER
Attorney for Defendants
LENNOX HEARTH PRODUCTS INC. and
LENNOX INTERNATIONAL INC.

DATED: July 10, 2009

ARNOLD LAW FIRM

By: /s/ Kirk J. Wolden (as authorized on 7/9/2009)
KIRK J. WOLDEN
Attorney for Plaintiffs
KIRK KEILHOLTZ and KOLLEEN
KEILHOLTZ for themselves and on behalf of
those similarly situated

1 **IT IS SO ORDERED:**

2 The court, having considered the Stipulation of the parties and good cause appearing,
3 hereby orders that the Motion for Class Certification and Cross-Motion be heard on Thursday,
4 November 12, 2009, at 2:00 p.m. in Courtroom 2, before the Honorable Claudia Wilken. The
5 court hereby orders the following briefing schedule on the Motion for Class Certification and
6 Cross-Motion:

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8 Party	8 Filing	8 Deadline
9 Plaintiffs	Motion for Class Certification	August 28, 2009
10 Defendants	10 Opposition to Motion for Class Certification; 11 Cross-Motion on Class Certification and Subject 12 Matter Jurisdiction (“Cross-Motion”)	September 28, 2009
13 Plaintiffs	13 Reply in Support of Motion for Certification and 14 Opposition to Cross-Motion	October 12, 2009
15 Defendants	Surreply	October 26, 2009

16 7/21/09

17 Dated: _____



17 By: _____

18 HONORABLE CLAUDIA WILKEN
19 UNITED STATES DISTRICT JUDGE,
20 NORTHERN DISTRICT OF CALIFORNIA