1	DOWNEY BRAND LLP		
2	WILLIAM R. WARNE (Bar No. 141280) MICHAEL J. THOMAS (Bar No. 172326)		
3	MEGHAN M. BAKER (Bar No. 243765) 621 Capitol Mall, 18th Floor		
4	Sacramento, CA 95814-4731 Telephone: (916) 444-1000		
5	Facsimile: (916) 444-2100 bwarne@downeybrand.com		
	<u>mthomas@downeybrand.com</u> mbaker@downeybrand.com		
6			
7	Attorneys for Defendants LENNOX HEARTH PRODUCTS INC.; LEN		
8	INTERNATIONAL INC.; LENNOX INDUS INC.	TRIES	
9			
10	UNITED STATES DISTRICT COURT		
11	NORTHERN DISTRICT OF CALIFORNIA		
12			
13	KIRK KEILHOLTZ and KOLLEEN KEILHOLTZ for themselves and on behalf	Case No. 4:08-cv-00836-CW (JCS)	
14	of those similarly situated,	STIPULATION AND ORDER	
15	Plaintiffs,	<b>REGARDING REQUEST FOR SHORTENED TIME RELATING TO</b>	
16	v.	DEFENDANTS' MOTION TO AMEND CASE MANAGEMENT ORDER	
17	LENNOX HEARTH PRODUCTS INC.;		
18	LENNOX INTERNATIONAL INC.; LENNOX INDUSTRIES; and DOES 1	Original Complaint Filed: February 6, 2008	
19	through 25, Inclusive,		
	Defendants.		
20	TO THE COURT AND ALL ATTORNEYS	OF RECORD.	
21			
22	By and through their counsel of record, Plaintiffs Kirk Keilholtz and Kolleen Keilholtz		
23		nnox Hearth Products Inc., Lennox International	
24	Inc., and Lennox Industries Inc. (collectively	"Defendants") (Plaintiffs and Defendants	
25	collectively referred to as the "Parties") hereb	by stipulate, in furtherance of Defendants' request, to	
26	the following:		
27	1. Pursuant to the Court's May 21, 20	009, Minute Order and Case Management Order,	
28	expert disclosures are due March 31, 2010, and rebuttal expert disclosures are due April 30, 2010.		
	1057229.1		
	STIPULATION A	ND [PROPOSED] ORDER	

1	2. Defendants believe that an extension of these expert disclosure deadlines is needed in
2	order to avoid incurring expenses associated therewith, as certain expert discovery may be
3	mooted by the Court's order on Plaintiffs' Motion for Class Certification, which the Court took
4	under submission on December 7, 2009. While plaintiffs do not disagree that a brief delay will
5	facilitate the parties' ability to provide complete and thorough expert disclosures and reports,
6	plaintiffs believe that this purpose will be best served if the Case Management Order is also
7	modified to lift the present stay on merits discovery. Defendants do not believe the stay on merits
8	discovery should be lifted.
9	3. The Parties have been unable to reach an agreement regarding the nature and scope of
10	such an extension but have agreed to a shortened schedule regarding the filing, briefing, and
11	hearing of Defendants' Motion to Amend Case Management Order.
12	4. The Parties hereby stipulate to, and respectfully request that the court approve, the
13	following shortened schedule regarding Defendants' Motion to Amend Case Management Order:
14	a. Defendants will file and serve their Motion to Amend Case Management Order
15	on or before Thursday, February 11, 2010.
16	b. Plaintiffs will file and serve any opposition papers at or before 5 p.m. on
17	Wednesday, February 17, 2010.
18	c. Defendants will file and serve reply briefing on or before Friday, February 19,
19	2010.
20	d. If the Court requires a hearing, the Parties are available for a hearing on
21	February 22, 24, or 25, 2010, or as otherwise set by the Court. $\backslash$
22	IT IS HEREBY STIPULATED:
23	DATED: February 10, 2010 DOWNEY BRAND LLP
24	
25	By: /s/ Michael J. Thomas
26	MICHAEL J. THOMAS Attorney for Defendants
27	LENNOX HEARTH PRODUCTS INC. LENNOX INTERNATIONAL INC.
28	LENNOX INDUSTRIES INC.
	1057229.1 2 STIPULATION AND [PROPOSED] ORDER

1	1	
2	2 DATED: February 10, 2010 ARNOLD LAW FIRM	
3	3	
4	5 <u> </u>	on 2-10-10)
5	Autorney for Plainting	
6	6 KIRK and KOLLEEN KEILHOLTZ for and on behalf of those similarly situated	
7		
8		
9	9 The court, having considered the Stipulation of the parties and good cause a	appearing,
10	hereby orders the shortened time regarding the briefing regarding Defendants' Mot	tion to Amend
11	Scheduling Order: (1) Defendants will file and serve their Motion to Amend Case 1	Management
12	Order on or before Thursday, February 11, 2010; (2) Plaintiffs will file and serve a	ny opposition
13	papers to the Motion to Amend Case Management Order at or before 5 p.m. on We	ednesday,
14	February 17, 2010; (3) Defendants will file and serve reply briefing in support of the	neir Motion to
15	Amend Case Management Order on or before Friday, February 19, 2010; (4) <b>the n</b>	notion will be
10	13	
16	decided on the papers	
	decided on the nanors	
16	<ul> <li>decided on the papers.</li> <li>Dated: 2/11/10</li> <li>By:</li></ul>	ILKEN
16 17	<ul> <li>decided on the papers.</li> <li>Dated: 2/11/10</li> <li>By:</li></ul>	IUDGE,
16 17 18	<ul> <li>decided on the papers.</li> <li>Dated: 2/11/10</li> <li>By:</li></ul>	IUDGE,
16 17 18 19	16     decided on the papers.     Cacdedit       17     Dated: 2/11/10     By:	IUDGE,
16 17 18 19 20	16       decided on the papers.       Chailed         17       Dated: 2/11/10       By:	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> </ol>	16       decided on the papers.       Christian         17       Dated: 2/11/10       By:	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> </ol>	16     decided on the papers.     Charlet       17     Dated: 2/11/10     By:	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> </ol>	16     decided on the papers.     Charlet IIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIIII	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> </ol>	16     decided on the papers.     Caracterial       17     Dated: 2/11/10     By:	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> </ol>	16       decided on the papers.       Cbacket         17       Dated: 2/11/10       By:	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> </ol>	16     decided on the papers.       17     Dated: 2/11/10       18     HONORABLE CLAUDIA W UNITED STATES DISTRICT INORTHERN DISTRICT OF CAU       19     NORTHERN DISTRICT OF CAU       20	IUDGE,
<ol> <li>16</li> <li>17</li> <li>18</li> <li>19</li> <li>20</li> <li>21</li> <li>22</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ol>	16     decided on the papers.       17     Dated: 2/11/10       18     HONORABLE CLAUDIA W UNITED STATES DISTRICT INORTHERN DISTRICT OF CAU       19     NORTHERN DISTRICT OF CAU       20	IUDGE,