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15 Attorneys for Plaintiffs and the National Class

16
 17 UNITED STATES DISTRICT COURT
 18 NORTHERN DISTRICT OF CALIFORNIA
 19 (OAKLAND DIVISION)
 20

21 KIRK KEILHOLTZ and KOLLEEN)
 22 KEILHOLTZ for themselves and on)
 behalf of those similarly situated,)
 23 Plaintiffs,)
 24 vs.)
 25 SUPERIOR FIREPLACE COMPANY;)
 26 LENNOX HEARTH PRODUCTS, INC.;)
 27 LENNOX INTERNATIONAL, INC. and)
 DOES 1 through 25, Inclusive;)
 28 Defendants.)

Case No.: 4:08-CV-00836CW
 AMENDED STIPULATION AND
 PROPOSED ORDER RE CASE
 MANAGEMENT **AS MODIFIED**

1 The parties, through their counsel, submit the following stipulation and proposed
2 order to modify the Court's Minute Order and Case Management Order dated May 17,
3 2009, as amended by the Court on February 23, 2010:.

4 WHEREAS, in light of the Court's February 16, 2010 Order on class certification
5 and the work necessary to diligently prepare for trial, and to afford the parties the
6 opportunity to attempt to resolve this matter prior to the sending of class notice, the
7 parties agree that certain deadlines in the Court's Case Management Order should be
8 modified and that the trial should be continued as specified below.

9 Based upon the stipulation of the parties AND GOOD CAUSE APPEARING
10 THEREFORE, the deadlines set forth in the Court's Minute Order and Case Management
11 Order entered on May 23, 2009, as amended by the Court on February 23, 2010, are
12 hereby amended as follows:

13 The parties will submit a further
14 Stipulation and Proposed Order for
15 appointment of an agreed mediator no
16 later than April 21, 2010. If the parties
17 can not agree on a mediator by this
18 date the Court shall appoint the
19 mediator. Parties to hold initial
20 mediation session
21 with appointed mediator by:

June 16, 2010

22 Disclosure of identities and reports of expert witnesses

23 Initial: October 1, 2010

24 Rebuttal: November 1, 2010

25 Hearing date for all dispositive motions: October 21, 2010

26 Completion of fact discovery: November 15, 2010

27 Completion of expert discovery: December 15, 2010

28 Final Pre-Trial Conference: January 11, 2011

10 day Jury Trial: January 24, ~~2010~~ 2011

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IT IS SO ORDERED,

Dated: 4/21/2010



JUDGE CLAUDIA WILKEN

SO STIPULATED AND AGREED:

Date: April _____, 2010

CLAYEO C. ARNOLD
A Professional Law Corporation

By: _____
Kirk J. Wolden
Attorney for the National Class

Date: April _____, 2010

McKOOL SMITH, P.C.

By: _____
Robert Elkin
Attorney for Defendants