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10 *Attorneys for Plaintiff ARNESHA GARNER*

11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

14 ARNESHA M. GARNER, on behalf of
 15 herself and all others similarly situated,
 16 Plaintiff,
 17 v.
 18 STATE FARM MUTUAL
 AUTOMOBILE INSURANCE
 19 COMPANY, et al.,
 20 Defendants.

Case No. CV 08 1365 CW

CLASS ACTION

**STIPULATION AND ORDER
 REGARDING SCOPE OF DISCOVERY**

Date:
 Time:
 Honorable Claudia Wilken

1 WHEREAS, on January 22, 2009, at the hearing on the cross-motions for partial summary
2 judgment of Defendant State Farm Mutual Automobile Insurance Company (“State Farm”) and
3 Plaintiff Arnesha Garner (“Plaintiff”), the Court ordered the parties to meet and confer regarding
4 the appropriate scope of discovery prior to briefing on class certification.

5 WHEREAS, the parties have met and conferred regarding the proper scope of discovery at
6 this stage of the case, pursuant to the Court’s order.

7 NOW, THEREFORE, pursuant to Local Rule 7-12, Plaintiff and State Farm, by and
8 through their respective counsel, stipulate that:

9 Discovery shall be phased between class and merits discovery with discovery regarding
10 class certification issues proceeding now and discovery regarding merits being stayed until a
11 determination has been made on class certification. The parties reserve the right to take the
12 position that discovery may be had related to class certification issues even if that discovery
13 overlaps with merits issues. Any discovery dispute regarding whether certain discovery is
14 certification-related or merits-related that cannot be informally resolved, will be submitted to
15 Magistrate Judge Chen and shall be subject to Fed.R.Civ.P. 72 and Local Rule 72.

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STIPULATED TO AND AGREED:

DATED: April 14, 2009 LIEFF, CABRASER, HEIMANN & BERNSTEIN, LLP

By: /s/ Roger N. Heller
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Attorneys for Plaintiff ARNESHA GARNER

DATED: April 14, 2009 SEDGWICK, DETERT, MORAN & ARNOLD, LLP

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*Attorneys for Defendant STATE FARM MUTUAL
AUTOMOBILE INSURANCE COMPANY*

ORDER

Pursuant to the stipulation of the parties, and good cause appearing therefor,
IT IS SO ORDERED this 16th day of April, 2009.



CLAUDIA WILKEN
United States District Judge

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