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 17 LLC dba Shell Oil Products US

18 **UNITED STATES DISTRICT COURT**

19 **NORTHERN DISTRICT OF CALIFORNIA – OAKLAND DIVISION**

20 DAVID GARDNER, STEVE MATTERN, BRIAN
 CERRE, and WILLIAM SULLIVAN, individually
 21 and on behalf of all similarly situated current and
 former employees,

22 Plaintiffs,

23 v.

24 SHELL OIL COMPANY, SHELL OIL
 25 PRODUCTS COMPANY LLC, and EQUILON
 ENTERPRISES LLC dba SHELL OIL
 26 PRODUCTS US and DOES 1 through 20,
 inclusive,

27 Defendants.
 28

Case No. C 09-05876 CW

Assigned for all purposes to Hon. Claudia Wilken

**JOINT STIPULATION TO ENLARGE TIME
 TO FILE CLASS CERTIFICATION
 MOTIONS; [~~PROPOSED~~] ORDER**

1 Pursuant to L.R. 6-2, Plaintiffs David Gardner, Steve Mattern, Brian Cerri, and William Sullivan,
2 and Defendants Shell Oil Company, Shell Oil Products Company LLC, and Equilon Enterprises LLC dba
3 Shell Oil Products US (collectively, “the Parties”), by and through their undersigned counsel, hereby
4 stipulate and agree as follows:

5 WHEREAS, on April 20, 2010, the Parties filed a Joint Case Management Statement (Dkt. 25),
6 wherein they proposed a briefing schedule for motions regarding class certification, with motions due no
7 later than November 4, 2010, oppositions due no later than December 9, 2010, and replies due no later
8 than December 23, 2010;

9 WHEREAS, on April 27, 2010, the Court issued a Case Management Order (Dkt. 28), approving
10 the Parties’ proposed briefing schedule for motions regarding class certification and setting the hearing
11 on January 26, 2011, at 2:00 p.m.;

12 WHEREAS, the Parties have engaged in extensive motion practice in this case and in *Delagarza*
13 *v. Tesoro Refining Marketing Co.*, USDC Case No. 09-cv-05803 MHP, wherein the defendants attempted
14 to transfer and consolidate these actions with *USW v. Shell Oil Co., et al.*, USDC Case No. 08-3693 RGK
15 (Ex);

16 WHEREAS, on September 16, 2010, the Court issued an order granting Defendants’ request to
17 withdraw their motion to transfer the case or, in the alternative, stay proceedings (Dkt. 53);

18 WHEREAS, Plaintiffs have propounded written discovery requests and Defendants have provided
19 hundreds of pages of documents and are continuing to provide additional documents;

20 WHEREAS, the Parties have conducted seven depositions so far in the case, including those of
21 six organizational representatives and the lead plaintiff;

22 WHEREAS, the Parties anticipate the need to depose six or seven additional organizational
23 representatives, the three remaining named plaintiffs, and one USW representative, all of which have
24 been tentatively scheduled and will be completed by the first week of November;

25 WHEREAS, based on the number of remaining depositions, the Parties will be unable to prepare
26 and file their motions regarding class certification by November 4, 2010; and

27 WHEREAS, there have been no other time modifications in this case and the time modification to
28 which the Parties stipulate herein will not have any effect on the schedule for the case.

1 NOW, THEREFORE, the Parties agree and stipulate that:

- 2 1. The deadline for any motions regarding class certification shall be moved from November
3 4, 2010 to December 1, 2010;
- 4 2. The deadline for oppositions to any motions regarding class certification shall be moved
5 from December 9, 2010 to December 29, 2010;
- 6 3. The deadline for replies to any motions regarding class certification shall be moved from
7 December 23, 2010 to January 12, 2010;
- 8 4. The hearing on the motions regarding class certification shall be unchanged and remain on
9 January 26, 2010, at 2:00 p.m.

10 IT IS SO STIPULATED.

11 Dated: September 23, 2010

GILBERT & SACKMAN, A Law Corporation

12 By: s/ Linda S. Fang
13 Linda S. Fang
14 Attorneys for Plaintiffs David Gardner, Steve
Mattern, Brian Cerri, and William Sullivan

15 Dated: September 23, 2010

EPSTEIN BECKER & GREEN, P.C.

16 By: s/ Angel Gomez
17 Angel Gomez
18 Attorneys for Defendants Shell Oil Company, Shell
19 Oil Products Company LLC, and Equilon
20 Enterprises LLC dba Shell Oil Products US

21 **[PROPOSED] ORDER**

22 PURSUANT TO STIPULATION, IT IS SO ORDERED.

23 Dated: 9/27/2010

24 
25 Hon. Claudia Wilken
26 United States District Judge