

1 Kristopher P. Badame, Esq. SBN: 210349
 Michele E. Pillette, Esq., SBN: 262031
 2 **BADAME & ASSOCIATES, APC**
 25432 Trabuco Road, Suite 207
 3 Lake Forest, CA 92630
 (949) 770-2867
 4 (866) 230-3044 – FAX
 kbadame@badameandassociates.com

6 Daniel L. Feder, Esq., SB #130867
 Arthur Kim, Esq., SB #212700
 7 **THE LAW OFFICES OF DANIEL L. FEDER**
 332 Pine Street, Suite 700
 8 San Francisco, CA 94104
 Phone: (415) 391-9476
 9 Fax: (415) 391-9432
 danfeder@pacbell.net

11 Attorneys for PLAINTIFFS, and all those similarly situated

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA**

16 JOSE TIJERO, AMANDA GODFREY,
 17 individually, and on behalf of all those
 similarly situated,
 18 Plaintiffs,

19 vs.

21 AARON BROTHERS, INC, and DOES 1
 22 through 50, inclusive,
 23 Defendants.

) Case No.: 4:10-cv-01089-SBA_____

) Judge: Hon. Sandra B. Armstrong

) **STIPULATION AND ORDER CONTINUING**
) **HEARING ON PLAINTIFFS' CLASS**
) **CERTIFICATION MOTION**

24 **STIPULATION**

26 Pursuant to Local Rule 7-12, Plaintiff's JOSE TIJERO, AMANDA
 27 GODFREY, individually (hereinafter "Plaintiffs"), and on behalf of all those
 28

1 similarly situated, and Defendant AARON BROTHERS, INC, (hereinafter
2 "Defendant") through their undersigned counsel of record agree to enter into this
3 stipulation to consent to continuing the Class Certification Motion date;

4 WHEREAS, Plaintiffs filed a Fourth Amended Complaint on May 12, 2011;

5 WHEREAS, Defendant filed an Answer to Plaintiffs' Fourth Amended
6 Complaint on May 31, 2011;

7 WHEREAS, a telephonic Case Management Conference was held on July 6,
8 2011;

9 WHEREAS, a telephonic Further Case Management Conference was held
10 on July 14, 2011, and it was so ordered by this Honorable Court that the hearing
11 for the Plaintiffs' Class Certification Motion would be held on March 13, 2012 at
12 1:00 p.m. As such, the Moving Papers are due by January 10, 2012, the
13 Opposition is due by February 7, 12, and the Reply is due February 21, 2012;

14 WHEREAS, the Civil Case Management Conference Minutes dated July 14,
15 2011, ratify that this Honorable Court ordered the hearing on Plaintiffs' Class
16 Certification Motion be held on March 13, 2012 at 1:00 p.m. with the Moving
17 Papers due by January 10, 2012, the Opposition due by February 7, 2012, and the
18 Reply due February 21, 2012;

19 WHEREAS, Plaintiffs drafted a Belaire-West Notice on August 11, 2011 to
20 mail to the over 9,000 potential members of the class and provided it to Defendant
21 for review.

22 WHEREAS, on August 18, 2011 Defendant made changes to the draft of the
23 Belaire-West Notice and provided it to Plaintiff for review.

24 WHEREAS, on August 25, 2011 Defendant expressed concerns to Plaintiffs
25 that to mail the Belaire-West Notice to approximately 9,000 potential class
26 members would be unnecessary and overly burdensome.

27 WHEREAS, Plaintiffs and Defendant engaged in numerous discussions
28

1 regarding the size of the mailing of the Belaire-West Notice including to a
2 sampling of the list.

3 WHEREAS, Plaintiff Jose Tijero's sworn testimony was taken by Defendant
4 on September 8, 2011.

5 WHEREAS, Plaintiff Amanda Godfrey's sworn testimony was taken by
6 Defendant on October 6, 2011

7 WHEREAS, on October 11, 2011 Defendant sent Plaintiffs a
8 correspondence stating that based on the Plaintiffs' sworn testimony, it will be
9 filing a motion to deny class certification and/or motion for summary judgment
10 and that it did not think it was appropriate to move forward with the Belaire-West
11 Notice and production of class member contact information until the motions are
12 decided by this Honorable Court.

13 WHEREAS, Plaintiffs contend that they are entitled to mail the Belaire-
14 West Notice prior to the ruling of any motions.

15 WHEREAS, the Plaintiffs and Defendant have agreed to a random sampling,
16 determined by the administrator, of 3,000 potential class members, to be sent the
17 Belaire-West Notice, if and when the mailing of the Belaire-West Notice and
18 production of class member contact information is ordered (without prejudice to
19 Defendant's objection that the Belaire-West Notice and production of class
20 member contact information should not proceed prior to its motions for summary
21 judgment and motion to deny class certification are decided).

22 WHEREAS, pursuant to the rules of the assigned Magistrate Judge, the
23 Plaintiffs and Defendant will file a joint letter to resolve their discovery issue
24 pertaining to the timing of mailing a Belaire-West Notice.
25

26 Therefore, the Parties HEREBY AGREE TO AND STIPULATE, by and
27 through their respective attorneys of record, to a continuance for this Honorable
28 Court to hear the Plaintiffs' Class Certification Motion to May 15, 2012 or as soon

1 thereafter as the Court can accommodate, and that Plaintiffs' moving papers will
2 be due on March 13, 2012, Defendant's opposition papers due on April 10, 2012,
3 and Plaintiffs' reply due on April 24, 2012.

4
5 DATED: December 13, 2011

BADAME AND ASSOCIATES, APC

6 By: /s/ Michele E. Pillette
7 Kristopher P. Badame
8 Michele E. Pillette
9 Attorneys for Plaintiffs JOSE TIJERO,
10 AMANDA GODFREY, individually, and on
11 behalf of all those similarly situated

12
13 DATED: December 13, 2011

AKIN GUMP STRAUSS HAUER & FELD LLP

14
15 By: /s/ Gary M. McLaughlin
16 Gary M. McLaughlin
17 Attorneys for Defendant Aaron Brothers, Inc.


1 **ORDER**

2 This Honorable Court, having reviewed the Stipulation of the Parties, and good cause appearing
3 for the relief requested in the Stipulation, HEREBY ORDERS THAT:

4 1. The hearing for the Plaintiffs' Class Certification Motion will be continued to May 15,
5 2012 at 1:00 p.m. or to a date thereafter convenient with this Honorable Court, and the moving papers,
6 opposition papers, and reply papers will due on March 13, 2012, April 10, 2012, and April 24, 2012,
7 respectively.

8 PURSUANT TO STIPULATION, IT IS SO ORDERED.

9
10 Dated: December 15, 2011

By: 
11 Hon. Sandra B. Armstrong
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28