

1 William C. McNeill III, State Bar No. 64392
 2 Claudia Center, State Bar No. 158255
 3 Shelley A. Gregory, State Bar No. 215442
 4 Lori Rifkin, State Bar No. 244081
 5 LEGAL AID SOCIETY-
 6 EMPLOYMENT LAW CENTER
 7 600 Harrison Street, Suite 120
 8 San Francisco, CA 94107
 9 Telephone: (415) 864-8848
 10 Facsimile: (415) 864-8199
 11 Email: ccenter@las-elc.org
 12 sgregory@las-elc.org
 13 lrifkin@las-elc.org

8 Daniel S. Mason, State Bar No. 54065
 9 Patrick Clayton, State Bar No. 240191
 10 Zelle Hofmann Voelbel & Mason LLP
 11 44 Montgomery St Ste 3400
 12 San Francisco, CA 94104
 13 Telephone: (415) 693-0700
 14 Facsimile: (415) 693-0770
 15 Email: pclayton@zelle.com

12 Attorneys for Plaintiffs

13 **UNITED STATES DISTRICT COURT**
 14 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

15 MICHAEL DRAGOVICH, MICHAEL GAITLEY,
 16 ELIZABETH LITTERAL, PATRICIA
 17 FITZSIMMONS, CAROLYN LIGHT, and CHERYL
 18 LIGHT, on behalf of themselves and all others
 19 similarly situated,

18 Plaintiffs,

19 v.

20 UNITED STATES DEPARTMENT OF THE
 21 TREASURY, TIMOTHY GEITHNER, in his official
 22 capacity as Secretary of the Treasury, United States
 23 Department of the Treasury, INTERNAL REVENUE
 24 SERVICE, DOUGLAS SHULMAN, in his official
 25 capacity as Commissioner of the Internal Revenue
 26 Service, BOARD OF ADMINISTRATION OF
 27 CALIFORNIA PUBLIC EMPLOYEES'
 28 RETIREMENT SYSTEM, and ANNE
 STAUSBOLL, in her official capacity as Chief
 Executive Officer, CalPERS,

26 Defendants.

Case No. CV 4:10-01564-CW

**STIPULATION AND ORDER RE
 PLAINTIFFS' MOTION FOR CLASS
 CERTIFICATIONS**

1 Plaintiff Michael Dragovich, *et al.*, and the federal defendants United States Department
2 of the Treasury, Timothy Geithner, United States Department of the Treasury, Internal Revenue
3 Service, and Douglas Shulman, and defendants Board of Administration of California Public
4 Employees' Retirement System and Anne Stausboll, through their respective counsel, hereby
5 stipulate that, subject to the Court's approval and availability, the hearing on plaintiffs' motion
6 for class certification be held on Thursday, June 9, 2011, at 2:00 p.m. The parties further
7 stipulate, subject to the Court's approval, that the briefing schedule is:

8 April 14, 2011: Deadline for Plaintiffs to file motion for class certification

9 May 12, 2011 Deadline for Defendants' opposition(s)

10 May 26, 2011 Deadline for Plaintiffs' reply

11 The reason for the request to change the dates is that the federal defendants' motion to
12 dismiss had been pending with the Court until January 18, 2011. Until the opinion issued, the
13 status of the case and the scope of any class was unclear. Additionally, plaintiffs have drafted
14 and circulated to counsel for defendants a first amended complaint adding two plaintiffs who
15 are registered domestic partners (and are not married). The proceedings will be organized in a
16 more efficient and rational manner if the plaintiffs file their first amended complaint (via
17 motion or stipulation) prior to filing their motion for class certification.

18 So stipulated,

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EMPLOYMENT LAW CENTER

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22 Dated: January __, 2011

By: _____
Claudia Center, Counsel for Plaintiffs

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STEPTOE & JOHNSON LLP

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26 Dated: January __, 2011

By: _____
Edward Gregory, Jennifer Morrow, Counsel for
Defendants CalPERS and Stausboll

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U.S. DEPARTMENT OF JUSTICE
CIVIL DIVISION

Dated: January __, 2011

By: _____
Jean Lin, Counsel for Federal Defendants

ORDER

It is so ordered.

1/19/2011

Dated



UNITED STATES DISTRICT JUDGE