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19 *Attorneys for Defendants Interstate Battery System of America, Inc., and Interstate Battery System International, Inc.*

20 **UNITED STATES DISTRICT COURT**
 21 **NORTHERN DISTRICT OF CALIFORNIA**
 22 **OAKLAND DIVISION**

23 DENO MILANO,
 24
 25 Plaintiff,
 26 vs.
 27 INTERSTATE BATTERY SYSTEM OF
 28 AMERICA, INC.; INTERSTATE BATTERY
 SYSTEM INTERNATIONAL, INC.,
 Defendants.

Case No. C 10-02125 CW

STIPULATION TO VACATE LITIGATION DEADLINES AND ORDER.

1 Plaintiff Deno Milano and Defendants Interstate Battery System of America, Inc., and Interstate
2 Battery System International, Inc., by and through the undersigned attorneys hereby agree and stipulate
3 as follows:

4 WHEREAS, this Court has twice granted 30-day stays to allow the parties the opportunity to
5 conduct in-person settlement discussions, (Doc. Nos. 34, 36 (Feb. 15 and Mar. 9, 2011));

6 WHEREAS, during their most recent mediation session with the Hon. William J. Cahill (Ret.) of
7 JAMS, on March 31, 2011, the parties reached an agreement in principle to fully resolve this litigation;

8 WHEREAS, a Case Management Conference and hearing for class certification are currently
9 scheduled for July 14, 2011, at 2:00 p.m.; and

10 WHEREAS, the parties are working to memorialize the terms of their agreement in a written
11 settlement agreement to present to the Court with their motion for preliminary approval.

12 **IT IS HEREBY STIPULATED AND AGREED**, by and through the undersigned attorneys for
13 the parties, subject to the Court's approval, that:

- 14 1. All litigation deadlines in this case are vacated;
- 15 2. The July 14, 2011, date for a Case Management Conference and hearing shall be kept on
16 calendar; and
- 17 3. The parties will continue to work diligently to finalize their agreement and to file their
18 motion for preliminary approval of settlement by June 9, 2011.

19 **IT IS SO STIPULATED.**

20
21 DATED: April 15, 2011

GIRARD GIBBS LLP

22 By: /s/ Eric H. Gibbs

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Attorneys for Plaintiff

1 DATED: April 15, 2011

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Attorneys for Defendants

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10 **PURSUANT TO STIPULATION, IT IS ORDERED:**


11 The Court has read and considered the parties' stipulation and orders that:

12 1. All pending litigation deadlines are vacated.

13 2. The parties shall use their best efforts to finalize the settlement agreement and to file a
14 motion for preliminary approval by June 9, 2011.

15 3. The Case Management Conference and hearing scheduled for July 14, 2011, shall remain
16 on calendar for a hearing on the parties' motion for preliminary approval of settlement.
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18
19 Date: 4/18/2011

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21 Judge Claudia Wilken
22 United States District Judge
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