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

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**  
 18 **OAKLAND DIVISION**

19 DENO MILANO,  
 20 Plaintiff,  
 21 vs.  
 22 INTERSTATE BATTERY SYSTEM OF  
 23 AMERICA, INC.; INTERSTATE BATTERY  
 24 SYSTEM INTERNATIONAL, INC.,  
 25 Defendants.

Case No. C 10-02125 CW

**STIPULATION TO TAKE MOTION OFF  
 CALENDAR, AND [~~PROPOSED~~] ORDER**

(LOCAL RULE 7-12)

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, the parties have been working for several months to finally resolve this case on a  
5 classwide basis, including an initial settlement discussion in February 2011, and a series of mediation  
6 sessions with the Hon. William J. Cahill (Ret.) of JAMS;

7 WHEREAS, this settlement contemplates comprehensive injunctive relief, which includes  
8 several different component parts, and the process for negotiating and memorializing the various parts of  
9 the settlement agreement has therefore required lengthy negotiations, many drafts and revisions to the  
10 settlement agreement, and several consultations between defense counsel and the Defendants;

11 WHEREAS, recently, through the course of drafting the settlement agreement, the parties  
12 identified some additional issues that have required thought and additional negotiation;

13 WHEREAS, having discussed and resolved most of these issues, the parties have begun drafting  
14 additional provisions in the settlement agreement to address these new issues;

15 WHEREAS, the Further Case Management Conference, originally scheduled for July 14, 2011,  
16 has been rescheduled for August 25, 2011;

17 WHEREAS, also on calendar for August 25, 2011, is a hearing on the parties' motion for  
18 preliminary approval of classwide settlement, with the deadline for filing that motion falling on August  
19 4, 2011;

20 WHEREAS, the parties anticipate that they will have a final settlement agreement, with  
21 accompanying exhibits, completed and executed by the end of August, and are hopeful it will be  
22 completed by the August 25, 2011, hearing;

23 WHEREAS, the parties wish to appear as scheduled on August 25, 2011, to provide the Court  
24 with a report on the status and nature of the proposed settlement, at which time a schedule can be set for  
25 all remaining needed deadlines including for the preliminary approval motion; and

26 WHEREAS, alternatively, if the Court desires, the parties will appear for a status conference on  
27 an earlier date, such as August 9, 2011, or another day that is available to the Court, to provide  
28 information about their ongoing efforts.

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

- 3           1.     The parties shall appear as scheduled on August 25, 2011, at a Further Case Management  
4                    Conference;
- 5           2.     The parties shall file a joint status report no later than August 19, 2011; and
- 6           3.     The parties' motion for preliminary approval shall be taken off calendar, to be re-set at or  
7                    following the Further Case Management Conference.

8           **IT IS SO STIPULATED.**

9 DATED: August 1, 2011

**GIRARD GIBBS LLP**

10 By:    /s/ Eric H. Gibbs   

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*Interim Lead Class Counsel*

16 DATED: August 1, 2011

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*Attorneys for Defendants*

23  
24 **PURSUANT TO STIPULATION, IT IS ORDERED.**

25  
26  
27 Date:    8/12/2011   

  
28 Judge Claudia Wilken  
United States District Judge