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

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

22 DENO MILANO,

23 Plaintiff,

24 vs.

25 INTERSTATE BATTERY SYSTEM OF
26 AMERICA, INC.; INTERSTATE BATTERY
27 SYSTEM INTERNATIONAL, INC.,

28 Defendants.

Case No. C 10-02125 CW

**STIPULATION TO EXTEND DEADLINE
AND [~~PROPOSED~~] 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, as reported in previous filings, the parties reached an agreement in principle to
5 resolve this case on a classwide basis during mediation sessions before the Honorable William J. Cahill
6 (Ret.) earlier this year;

7 WHEREAS, the parties are pleased to report that they agreed to a comprehensive settlement
8 agreement on Wednesday, October 26, 2011, which is being circulated for signatures by the parties'
9 representatives and counsel presently;

10 WHEREAS, the parties have also reached agreement on the supporting settlement documents
11 (such as the claim forms, CAFA notice, long- and short-form class notices, and the other class notice
12 mechanisms) and are in the process of updating these documents (along with the preliminary approval
13 papers) to ensure consistency with the final settlement agreement;

14 WHEREAS, the Court previously set Thursday, October 27, 2011, as the deadline for the motion
15 for preliminary approval, with the hearing to follow three weeks later on November 17, 2011; and

16 WHEREAS, the parties request an additional two court days to file the motion for preliminary
17 approval and supporting documents, including the settlement agreement, and remain prepared to appear
18 for the preliminary approval hearing on November 17, 2011, as scheduled, or at a later date if preferable
19 to the Court.

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

- 22 1. The deadline for filing a motion for preliminary settlement approval, currently set for
23 October 27, 2011, will be extended to October 31, 2011.
- 24 2. The hearing on the motion for preliminary settlement approval, currently set for
25 November 17, 2011, at 2:00 p.m., will remain calendared for that day and time.

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1 3. The hearing on the motion for final settlement approval, currently set for February 16,
2 2012, at 2:00 p.m., will remain calendared for that day and time.

3 **IT IS SO STIPULATED.**

4
5 DATED: October 26, 2011

GIRARD GIBBS LLP

6 By: /s/ Eric H. Gibbs

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Interim Lead Class Counsel

12
13 DATED: October 26, 2011

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14 By: /s/ Jerome R. Doak

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Attorneys for Defendants

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26 **PURSUANT TO STIPULATION, IT IS ORDERED.**

27 Date: 11/2/2011



Judge Claudia Wilken
United States District Judge