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8 Class Counsel and Attorneys for Individual and
 9 Representative Plaintiffs Curtis Berrien, Rose Huerta,
 Tina Musharbash, Fern Prosnitz, Michael Andler,
 10 Marcus Boness, Timothy Bonnell, Richard Buford,
 Elaine Cefola, Kenneth Davis and Jerome Garoutte
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12 **UNITED STATES DISTRICT COURT**
 13 **NORTHERN DISTRICT OF CALIFORNIA**

14	CURTIS BERRIEN; ROSE HUERTA; TINA)	Case No. CV 10-03125 CW
15	MUSHARBASH; FERN PROSNITZ; MICHAEL)	
16	ANDLER; MARCUS BONESS; TIMOTHY)	
17	BONNELL; RICHARD BUFORD; ELAINE)	STIPULATION AND PROPOSED ORDER
18	CEFOLA; KENNETH DAVIS; JEROME)	VACATING CASE DEADLINES PENDING
19	GAROUTTE, on behalf of themselves and all)	MOTION FOR PRELIMINARY
20	others similarly situated,)	SETTLEMENT APPROVAL
21	Plaintiffs,)	<u>CLASS ACTION</u>
22	v.)	
23	NEW RAIN TREE RESORTS)	
24	INTERNATIONAL, LLC; RVC MEMBERS,)	
25	LLC; DOUGLAS Y. BECH)	
26	Defendants.)	

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 STIPULATION AND ~~PROPOSED~~ ORDER VACATING CASE DEADLINES PENDING MOTION
 FOR PRELIMINARY SETTLEMENT APPROVAL

1 WHEREAS, since early June 2011, counsel for the Parties have engaged in settlement
2 discussions with the assistance of a mediator, the Hon. Victor H. Persón (Ret.);

3 WHEREAS, on September 28, 2011, counsel for the Parties reached an agreement in principle
4 regarding the substantive terms of a settlement providing relief to members of a proposed nationwide
5 settlement class (the "Settlement Class");

6 WHEREAS, having now reached agreement regarding the substantive terms of the settlement,
7 counsel for the Parties have commenced discussions regarding attorneys' fees and costs;

8 WHEREAS, within the next thirty days, counsel for the Parties anticipate reaching final
9 agreement regarding attorneys' fees and costs and drafting final settlement documentation, including a
10 final settlement agreement and a proposed settlement notice to the Settlement Class;

11 WHEREAS, in light of the anticipated settlement and in order to avoid the unnecessary
12 expenditure of time and resources by the Parties and the Court, the Parties seek relief from all pending
13 dates and deadlines in this case;

14 IT IS HEREBY STIPULATED by the Parties, through their counsel, that all pending dates and
15 deadlines in the above-captioned action be vacated.

16 IT IS FURTHER HEREBY STIPULATED by the Parties, through their counsel, that, no later
17 than October 28, 2011, the Parties shall jointly file a report apprising the Court of the status of the
18 proposed settlement and final settlement documentation and, if appropriate, proposing a briefing and
19 hearing schedule on a motion for preliminary settlement approval.

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1 Dated: September 28, 2011

Respectfully submitted,

2 **GIRARD GIBBS LLP**


3 By: 
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12 *Representative Plaintiffs Curtis Berrien, Rose Huerta,*
13 *Tina Musharbash, Fern Prosnitz, Michael Andler, Marcus*
14 *Boness, Timothy Bonnell, Richard Buford, Elaine Cefola,*
15 *Kenneth Davis and Jerome Garoutte*

16 **LOOPER REED & MCGRAW P.C.**

17 Dated: September 28, 2011

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Attorneys for Defendants New Raintree Resorts
International, LLC, RVC Members, LLC and Douglas Y.
Bech

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1 **[PROPOSED] ORDER**

2 Pursuant to the stipulation of the Parties, all pending dates and deadlines in the above-captioned
3 action are **VACATED**. No later than October 28, 2011, the Parties shall jointly file a report apprising
4 the Court of the status of the proposed settlement and final settlement documentation, and, if
5 appropriate, proposing a briefing and hearing schedule on a motion for preliminary settlement approval.
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7 **IT IS SO ORDERED. A case management conference will be held on Tuesday, November 29, 2011,**
8 **at 2:00 p.m.**

9 Date: 9/29/2011

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11 THE HON. CLAUDIA WILKEN
12 UNITED STATES DISTRICT JUDGE
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