

1 EVAN R. MOSES (CA State Bar No. 198099)
 evan.moses@ogletreedeakins.com
 2 ERICA K. ROCUSH (CA State Bar No. 262354)
 erica.rocush@ogletreedeakins.com
 3 A. CRAIG CLELAND (*Pro Hac Vice*)
 craig.cleland@ogletreedeakins.com
 4 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C.
 Steuart Tower, Suite 1300
 5 One Market Plaza
 San Francisco, CA 94105
 6 Telephone: 415.442.4810
 Facsimile: 415.442.4870

7 Attorneys for Defendant
 8 FASTENAL COMPANY

9 SCOTT EDWARD COLE (CA State Bar No. 160744)
 scole@scalaw.com
 10 MOLLY A. DESARIO (CA State Bar No. 230763)
 mdesario@scalaw.com
 11 HANNAH R. SALASSI (CA State Bar No. 230117)
 hsalassi@scalaw.com
 12 SCOTT COLE & ASSOCIATES, APC
 1970 Broadway, Ninth Floor
 13 Oakland, CA 94612
 Telephone: 510.891.9800
 14 Facsimile: 510.891.7030

15 Attorneys for Representative Plaintiffs
 and the Plaintiff Classes
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18 UNITED STATES DISTRICT COURT
 19 NORTHERN DISTRICT OF CALIFORNIA

20
 21 KRISTOPHER DEANE and)
 MICHAEL ROMANO and LISA)
 22 JOHNSON individually, and on behalf)
 of all others similarly situated,)

23 Plaintiffs,)

24 vs.)

25 FASTENAL COMPANY,)

26 Defendant.)
 27

Case No. CV11-00042 YGR

CLASS/COLLECTIVE ACTION

**JOINT STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE HEARING ON
 DEFENDANT'S MOTION TO DECERTIFY
 PLAINTIFF'S CONDITIONALLY
 CERTIFIED COLLECTIVE ACTION TO
 OCTOBER 2, 2012**

28 Stipulation for amendment to scheduling
 order (re Jewish holiday) (2).DOC

1 Representative Plaintiffs Kristopher Deane, Michael Romano and Lisa Johnson
2 (collectively "Plaintiffs"), individually, and on behalf of all others similarly situated, and
3 Defendant Fastenal Company ("Defendant"), by and through their respective counsel of record,
4 hereby agree and stipulate as follows:

5 **WHEREAS** on May 8, 2012, this Court entered a Revised Scheduling Order and Order
6 regarding the deposition of individuals who have submitted consent to join forms in this matter;

7 **WHEREAS** the dates entered pursuant to that scheduling order are as follows:

- 8 1. The briefing and hearing schedule for Plaintiffs' Rule 23 class certification motion
9 is as follows:

10 Plaintiffs' motion shall be due: May 25, 2012

11 Defendant's opposition shall be due: June 15, 2012

12 Plaintiffs' reply, if any, shall be due: June 29, 2012

13 Plaintiffs' motion shall be heard on: July 24, at 2:00 p.m.

- 14 2. The briefing and hearing schedule for Defendant's motion for decertification of
15 Plaintiffs' conditionally certified 29 U.S.C. § 216(b) collective action is as follows:

16 Defendant's motion shall be due: July 24, 2012

17 Plaintiffs' opposition shall be due: August 14, 2012

18 Defendant's reply, if any, shall be due: August 28, 2012

19 Defendant's motion shall be heard on: September 25, 2012, at 2:00 p.m.

20 **WHEREAS** the Jewish Holiday of Yom Kippur begins on the date Defendant's motion is
21 scheduled to be heard, September 25, 2012 and Defendant's counsel have therefore requested and
22 Plaintiff's counsel have agreed that the hearing date on Defendant's motion for decertification be
23 continued so that the hearing does not conflict with the holiday;

24 **IT IS THEREFORE STIPULATED AND AGREED**, by and between the parties through
25 their respective attorneys of record and subject to the approval of the Court, as follows:

- 26 1) The date for the hearing on Defendant's motion for decertification of Plaintiffs'
27 conditionally certified 29 U.S.C. §216(b) collective action be moved one week to the first hearing

1 date after the Jewish Holiday, such that Defendant's motion will be heard on October 2, 2012 at
2 2:00 p.m.

3 2) All other dates relating to Plaintiff's Rule 23 class certification motion and
4 Defendant's motion for decertification shall remain as indicated above pursuant to the court's May
5 8, 2012 order.

6
7 **IT IS SO STIPULATED.**

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9 Dated: May 23, 2012

10 **SCOTT COLE & ASSOCIATES, APC**

11
12 By: Hannah Salassi
13 Hannah R. Salassi, Esq.
14 Attorneys for the Representative Plaintiffs
and the Plaintiff Class

15 Dated: May 24, 2012

16 **OGLETREE, DEAKINS, NASH, SMOAK &
STEWART, P.C.**

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18 By: Erica Rocush
19 Erica Rocush, Esq.
20 Attorneys for Defendant
21 Fastenal Company

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PROPOSED ORDER


**UPON GOOD CAUSE APPEARING, AND PURSUANT TO THE
STIPULATION BETWEEN PARTIES, THE COURT HEREBY ORDERS AS FOLLOWS:**

1) The date for the hearing on Defendant's motion for decertification of Plaintiffs' conditionally certified 29 U.S.C. §216(b) collective action is hereby moved one week from September 25, 2012 to October 2, 2012 at 2:00 p.m.

2) All other dates relating to Plaintiff's Rule 23 class certification motion and Defendant's motion for decertification shall remain as previously entered pursuant to the court's May 8, 2012 order.

IT IS SO ORDERED.

Dated: May 29, 2012


The Hon. Yvonne Gonzalez Rogers
United State District Judge

12438450.1 (OGLETREE)