

1 Eric H. Gibbs (State Bar No. 178658)  
**GIRARD GIBBS LLP**  
 2 601 California Street, 14th Floor  
 3 San Francisco, California 94108  
 Telephone: (415) 981-4800  
 4 Facsimile: (415) 981-4846

5 Andrew N. Friedman (*pro hac vice*)  
**COHEN MILSTEIN SELLERS**  
**& TOLL PLLC**  
 7 1100 New York Ave., NW  
 West Tower, Suite 500  
 8 Washington, D.C. 20005-3964  
 Telephone: (202) 408-4600  
 9 Facsimile: (202) 408-46995

10  
 11 Richard B. Wentz (State Bar No. 120380)  
**THE WENTZ LAW FIRM**  
 12 82955 East Hillcrest Drive, Suite 123  
 Thousand Oaks, CA 91362  
 13 Telephone: (805) 374-0060  
 14 Facsimile: (888) 855-8124

15 *Attorneys for Plaintiffs*

16 **UNITED STATES DISTRICT COURT**  
 17 **NORTHERN DISTRICT OF CALIFORNIA**

19 NANSEE PARKER and PHONG PHAM, on  
 20 behalf of themselves and those similarly  
 situated,

21 Plaintiffs,

22 v.

23 DISH NETWORK LLC,

24 Defendant.

Case No. 4:11-cv-01457-PJH

**STIPULATED REQUEST TO (1) EXTEND  
 TIME TO FILE PRELIMINARY  
 APPROVAL PAPERS AND (2) MODIFY  
 THE BRIEFING SCHEDULE FOR  
 DEFENDANT’S PENDING MOTIONS;  
 AND [~~PROPOSED~~] ORDER**

25  
 26  
 27  
 28  
 STIP. TO EXTEND TIME TO FILE PRELIM. APP. PAPERS AND MODIFY BRIEFING SCHED.  
 CASE NO. 4:11-CV-01457-PJH

1 Pursuant to Civil L.R. 6-2, 7-12 and 16-2(d), the parties jointly seek to extend the time to file  
2 preliminary approval papers and modify the briefing schedule set forth in the Court's September 19,  
3 2011 order (Docket No. 46) and respectfully request that the Court enter the following stipulation, as set  
4 forth below.

5 WHEREAS, on June 7, 2011, the Court granted the parties stipulated request seeking relief from  
6 the Court's Order setting an Initial Case Management Conference, requesting an extension of all  
7 deadlines, and asking the Court to enter a briefing schedule for DISH's Motion to Transfer Venue,  
8 pursuant to 14 U.S.C. section 1404(a) ("Motion to Transfer"), and Motion to Dismiss and Strike,  
9 pursuant to Rules 9, 12(b)(6) and 12(f) of the Federal Rules of Civil Procedure ("Motion to Dismiss"),  
10 filed on May 20, 2011;

11 WHEREAS, on August 8, 2011, the Court granted the parties stipulated request to modify the  
12 briefing schedule so as to allow the parties to finalize and memorialize a written settlement agreement  
13 and prepare papers in support of preliminary approval;

14 WHEREAS, on September 19, 2011, the Court granted the parties stipulated request to extend  
15 the time to file papers in support of preliminary approval of their settlement agreement;

16 WHEREAS, the parties have made significant progress toward finalizing their settlement  
17 agreement and all papers necessary to file for preliminary approval, but require some additional time to  
18 finalize those documents;

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

- 21 1. The parties shall work diligently to finalize and file a Joint Motion For Provisional  
22 Certification Of Settlement Class And Preliminary Approval Of Class Action Settlement  
23 on or before October 17, 2011;
- 24 2. The briefing schedule for DISH's Motion to Transfer and Motion to Dismiss shall be  
25 altered as follows:
  - 26 a. Plaintiffs' Opposition briefs, if any, to DISH's Motion to Transfer and Motion to  
27 Dismiss, currently due on or before October 10, 2011, shall be filed on or before  
28 October 24, 2011, and

1 b. Defendant's Reply briefs in support of its Motion to Transfer and Motion to  
2 Dismiss, currently due on or before October 31, 2011, shall be filed on or before  
3 November 2, 2011;

4 3. The hearing regarding DISH's Motion to Transfer and Motion to Dismiss shall remain  
5 scheduled for November 16, 2011;

6 4. As previously stipulated and ordered, on or before November 22, 2011, the parties shall:

7 a. Meet and confer regarding initial disclosures, early settlement, ADR process  
8 selection, and a discovery plan, under F.R.C.P. 26(f) & ADR L.R.3-4,

9 b. File ADR Certification signed by Parties and Counsel, under Civil L.R. 16-8(b)  
10 and ADR L.R. 3-5(b), and

11 c. File either a Stipulation to ADR Process or Notice of Need for ADR Phone  
12 Conference, Civil L.R. 16-8(c) & ADR L.R. 3-5(b) & (c);

13 5. As previously stipulated and ordered, on or before December 5, 2011, the parties shall  
14 file a Rule 26(f) Report, complete initial disclosures or state objections in the Rule 26(f)  
15 Report, and file a Case Management Statement per the Court's Standing Order regarding  
16 the Contents of Joint Case Management Statement;

17 6. The Case Management Conference shall remain scheduled for December 15, 2011, at  
18 2:00 p.m.;

19 7. All formal discovery as well as any other obligations contemplated under the Federal  
20 Rules of Civil Procedure, the Civil Local Rules of this Court, or the Court's Standing  
21 Orders shall remain stayed until the earlier of (i) December 5, 2011, or (ii) two weeks  
22 before the Case Management Conference, whichever is later; and

23 8. Each party reserves all rights, arguments and defenses, asserted or unasserted, as of the  
24 date of this Stipulation, and no party shall assert that the passage of time between the  
25 time that this Stipulation was first contemplated and later signed and the expiration or  
26 termination of this Stipulation and [Proposed] Order, if any, but which shall not be  
27 deemed to have occurred earlier than January 20, 2012, will be a defense to any motion  
28

1 or basis for argument as part of any motion, opposition, or reply, including as a basis for  
2 challenging DISH's Motion to Transfer;

3  
4 **IT IS SO STIPULATED.**

5  
6 DATED: October 07, 2011

**GIRARD GIBBS LLP**

7  
8 By:  /s/ Eric H. Gibbs  
9 Eric H. Gibbs  
10 Attorneys for Plaintiffs Nansee Parker and Phong Pham

11 DATED: October 07, 2011

**COBLENTZ, PATCH, DUFFY & BASS LLP**

12 By:  /s/ Zuzana S. Ikels  
13 Zuzana S. Ikels  
14 Attorneys for Defendant DISH Network LLC

15  
16  
17 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

18  
19  
20 DATED:  10/14/11

21 The Honorable  
22 United States District Judge

