

1 MARK R. THIERMAN, (State Bar No. 72913)
 LEON GREENBERG, (State Bar No. 226253)
 2 THIERMAN LAW FIRM
 7287 Lakeside Drive, Suite 101
 3 Reno, NV 89511
 Telephone: (775) 284-1500
 4 Facsimile: (775) 703-5027

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5 H. TIM HOFFMAN, (State Bar No. 49141)
 ARTHUR W. LAZEAR, (State Bar No. 83603)
 6 ROSS L. LIBENSON, (State Bar No. 181912)
 HOFFMAN & LAZEAR
 7 180 Grand Avenue, Suite 1550
 Oakland, CA 94612
 8 Telephone: (510) 763-5700
 Facsimile: (510) 835-1311

9 MAX FOLKENFLIK
 10 FOLKENFLIK & MCGERITY
 1500 Broadway, 21st Floor
 11 New York, NY 10036
 Telephone: (212)757-0400
 12 Facsimile: (212)757-2010

13 *Interim Lead Counsel for Plaintiffs*

14 CATHERINE A. CONWAY (SBN 98366)
 GREGORY W. KNOPP (SBN 237615)
 15 CHRISTOPHER PETERSEN (SBN 260631)
 AKIN GUMP STRAUSS HAUER & FELD LLP
 16 2029 Century Park East, Suite 2400
 Los Angeles, CA 90067-3012
 17 Telephone: 310-229-1000
 Facsimile: 310-229-1001

18 Attorneys for Defendant

19 UNITED STATES DISTRICT COURT

20 NORTHERN DISTRICT OF CALIFORNIA

21 DAVID HO, on behalf of himself and all
 22 others similarly situated and on behalf of the
 general public and DOES #1-20,

23 Plaintiffs,

24 v.

25 ERNST & YOUNG, LLP,

26 Defendants.

Case No. C 05 04867 (JF) (consolidated for
 class certification purposes with Case Nos. C-
 08-4988-JF and C-08-2853-JF)

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

Hon. Jeremy Fogel

CMC Date: Friday, September 3, 2010

27
 28
 STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT
 CONFERENCE Case No. C 05 04867-JF (HRL)
 (Consolidated for Class Certification Purposes with Case Nos. C-08-4988-JF and C-08-2853-JF)

1 WHEREAS the Court has set September 3, 2010, for a Further Case Management Conference;

2 WHEREAS the parties are currently briefing the class certification motion served on Defendant
3 on August 20, 2010, and filed under seal by Plaintiffs on August 23, 2010.

4 WHEREAS the hearing on Plaintiffs' Motion For Class Certification Pursuant To Rule 23 is set
5 for December 17, 2010;

6 THEREFORE IT IS HEREBY STIPULATED by and between the parties hereto through their
7 respective undersigned counsel that:

8 1. The Further Case Management Conference shall be continued to December 17, 2010,
9 immediately after the hearing on Plaintiffs' Motion For Class Certification Pursuant To Rule 23.

10 Dated: September 1, 2010

11 _____
12 /s/
13 Ross L. Libenson
14 HOFFMAN & LAZEAR
15 Attorney for Plaintiffs

16 Dated: September 1, 2010

17 _____
18 /s/
19 GREGORY W. KNOPP (SBN237615)
20 AKIN GUMP STRAUSS HAUER &
21 FELD LLP
22 Attorney for Defendant

23 (This stipulation has been approved by Gregory W. Knopp)

24 **ORDER**

25 IT IS SO ORDERED.

26 Dated: Sept. 2, 2010

27 _____
28 United States District Judge

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF _____

3 I am employed in the County of _____, State of California. I am over the age of
4 18 and not a party to the within action; my business address is: _____
5 as: _____ On _____, I served the foregoing document(s) described
6 below, using the following means:

7 SEE ATTACHED SERVICE LIST

8 BY PERSONAL SERVICE I delivered such envelope(s) by hand to the offices of the addressee(s).

9 BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the
10 respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and
11 mailing, following our ordinary business practices. I am readily familiar with the firm's practice of
12 collection and processing correspondence for mailing. On the same day that correspondence is placed
13 for collection and mailing, it is deposited in the ordinary course of business with the United States
14 Postal Service, in a sealed envelope with postage fully prepaid at _____, California.

15 BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an
16 overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I
17 placed the envelope or package for collection and overnight delivery at an office or a regularly utilized
18 drop box of the overnight delivery carrier.

19 BY MESSENGER SERVICE I served the documents by placing them in an envelope or package addressed
20 to the respective address(es) of the party(ies) stated above and providing them to a professional
21 messenger service for service.

22 BY FAX Based on an agreement of the parties to accept service by fax transmission, I faxed the
23 documents to the respective fax number(s) of the party(ies) as stated above. No error was reported by
24 the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is
25 attached.

26 BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION Based on a court order or an agreement of the parties
27 to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the
28 respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable
time after the transmission, any electronic message or other indication that the transmission was
unsuccessful.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose
direction the service was made.

Executed on _____ at _____, California.

[Print Name of Person Executing Proof]

[Signature]