2 3 4 5 6		ESDISTRICT COURT CASE No.: 5:06-CV-01303-JW STIPULATION AND [PROPORTED ORDER RE CONTINUANCE OF CLASS ORDER RE CONTINUE SETTLEMENT DISCUSSIONS (CIVIL LOCAL RULE 6-2)
	Stipulation and [Proposed] Order re Continuance to Allow Continued Settlemetn Discussion	ons Case No. 5:06-CV-01303 Dockets.Jus

1	WHEREAS, on June 10, 2008, the parties participated in a Settlement Conference before
2	Magistrate Judge Richard Seeborg (Docket Item No. 119);
3	
4	WHEREAS, on June 12, 2008, the parties participated in a further mediation session
5	without the assistance of a mediator;
6	
7	WHEREAS, the parties believed that their settlement discussions were productive and
8	jointly requested that Mag. Judge Seeborg preside over a further mediation session;
9	
10	WHEREAS, the parties appeared before Mag. Judge Seeborg at a full day Settlement
11	Conference on July 15, 2008 (Docket Item No. 122);
12	
13	WHEREAS, the settlement discussions have been productive and the parties believe that it
14	would be more effective to continue their settlement discussions rather than litigating at this time;
15	
16	WHEREAS, this Court entered an Order dated February 27, 2008, which set a hearing on
17	Plaintiffs' Motion for Class Certification for September 9, 2008 at 9:00 a.m. (Docket Item No.
18	101);
19	
20	WHEREAS, this Court entered an Order on May 14, 2008, which continued the discovery
21	cut-off to July 3, 2008 (Docket Item No. 118);
22	
23	WHEREAS, this Court entered an Order dated April 1, 2008, which required that Plaintiffs
24	file any renewed motion for class certification on or before July 15, 2008, that Defendants file any
25	opposition on or before August 14, 2008, and that Plaintiffs file any reply on or before August 26,
26	2008 (Docket Item No. 105);
27	
28	
	2   Stipulation and [Proposed] Order re Continuance to Allow Further Settlement Discussions   Case No. 5:06-CV-01303 JW

1	WHEI	REAS, this Court entered an Order dated July 30, 2008, which (1) continued the			
2	discovery cut-off to September 30, 2008, (2) required that Plaintiffs file any renewed motion for				
3	class certifica	class certification on or before October 10, 2008, (3) required that Defendants file any opposition			
4	on or before November 10, 2008, that Plaintiffs file any reply on or before November 24, 2008, and				
5	(4) required that a hearing on the motion for class certification be held on December 8, 2008 at				
6	9:00 a.m. (Docket Item No. 125.)				
7					
8	WHEREAS, the parties believe that the settlement discussions have been productive and				
9	the parties are better served focusing their efforts on settlement discussions rather than litigation at				
10	this time;				
11					
12	THEREFORE, the parties, through their respective counsel, hereby stipulate and jointly				
13	request that the Court order as follows:				
14					
15	1.	The discovery cut-off be extended to December 1, 2008 to complete discovery			
16		properly served as of June 10, 2008;			
17					
18	2.	Plaintiffs shall file any renewed motion for class certification, and all evidence in			
19		support of such motion, on or before December 22, 2008;			
20					
21	3.	Defendants shall file any opposition to the renewed motion for class certification,			
22		and all evidence in support of such motion, on or before January 22, 2009;			
23					
24	4.	Plaintiffs shall file any reply memorandum in support of the renewed motion for			
25		class certification on or before February 9, 2009; and			
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27					
28					
	Stipulation and Continuance to	3 [Proposed] Order re Allow Further Settlement Discussions Case No. 5:06-CV-01303 JW			

1	5. Plaintiffs' Motion fo	or Class Certification pursuant to Federal Rule of Civil
2	Procedure 23 shall b	he heard on February 16, 2009 at 9:00 a.m., or as soon thereafter
3	as shall be set by the	e Court on its hearing calendar.
4		
5	Dated: September 29, 2008	By: s/David C. Parisi
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15		Co-Lead Counsel for Plaintiffs
16	Dated: September 29, 2008	LATHAM & WATKINS LLP
17	2000 September 29, 2000	Margaret M. Zwisler (pro hac vice) Charles H. Samel
18		Charles W. Cox
19 20		By: <u>s/Charles W. Cox (email approved 9/29/2008)</u> Charles W. Cox
20 21		Attorneys for Defendants ATI Technologies Inc., ATI
21		Technologies Systems Corp., ATI Research Silicon Valley Inc., and ATI Research, Inc.
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	Stipulation and [Proposed] Order re Continuance to Allow Further Settlement	4 t Discussions Case No. 5:06-CV-01303 JW

1		<u>ORDER</u>		
2	PURS	PURSUANT TO THE STIPULATION OF THE PARTIES, and good cause appearing		
3	therefore, the	therefore, the Court orders as follows:		
4	1.	The discovery cut-off shall be extended to December 1, 2008, to complete		
5		discovery properly served as of June 10, 2008;		
6		allocovery property served as of valle 10, 2000,		
7	2.	Plaintiffs shall file any renewed motion for class certification, and all evidence in		
8		support of such motion, on or before December 22, 2008;		
9				
10	3.	Defendants shall file any opposition to the renewed motion for class certification,		
11		and all evidence in support of such motion, on or before January 22, 2009;		
12				
13	4.	Plaintiffs shall file any reply memorandum to the renewed motion for class		
14		certification on or before February 9, 2009; and		
15				
16	5.	Plaintiffs' Motion for Class Certification pursuant to Federal Rule of Civil		
17		Procedure 23 shall be heard on February 23, 2009 at 9 a.m.		
18	This	This is the parties' last and final continuance. In light of this Order, the Court		
19 20		CATES the Case Management Conference on October 6, 2008.		
20		IT IS SO ORDERED.		
21 22				
22	Dated:	October 2, 2008		
23 24		The Hynorable James Ware United States District Court Judge		
25		V		
26				
27				
28				
_0	Stinulation	d IProposed I Order re		
	Continuance t	d [Proposed] Order re to Allow Further Settlement Discussions Case No. 5:06-CV-01303 JW		