

1 WHEREAS, on June 10, 2008, the parties participated in a Settlement Conference before
2 Magistrate Judge Richard Seeborg (Docket Item No. 119);

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4 WHEREAS, on June 12, 2008, the parties participated in a further mediation session
5 without the assistance of a mediator;

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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;

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10 WHEREAS, the parties appeared before Mag. Judge Seeborg at a full day Settlement
11 Conference on July 15, 2008 (Docket Item No. 122);

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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;

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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);

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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);

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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);

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1 WHEREAS, 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 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.)

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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;

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12 THEREFORE, the parties, through their respective counsel, hereby stipulate and jointly
13 request that the Court order as follows:

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15 1. The discovery cut-off be extended to December 1, 2008 to complete discovery
16 properly served as of June 10, 2008;
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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;
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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;
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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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ORDER

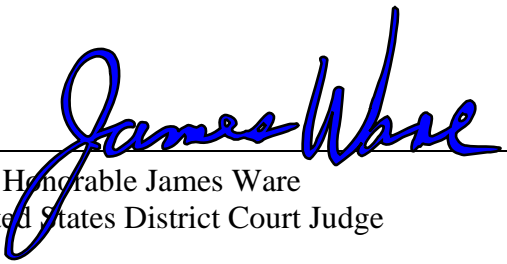
PURSUANT TO THE STIPULATION OF THE PARTIES, and good cause appearing therefore, the Court orders as follows:

- 1. The discovery cut-off shall be extended to December 1, 2008, to complete discovery properly served as of June 10, 2008;
- 2. Plaintiffs shall file any renewed motion for class certification, and all evidence in support of such motion, on or before December 22, 2008;
- 3. Defendants shall file any opposition to the renewed motion for class certification, and all evidence in support of such motion, on or before January 22, 2009;
- 4. Plaintiffs shall file any reply memorandum to the renewed motion for class certification on or before February 9, 2009; and
- 5. Plaintiffs' Motion for Class Certification pursuant to Federal Rule of Civil Procedure 23 shall be heard on **February 23, 2009 at 9 a.m.**

This is the parties' last and final continuance. In light of this Order, the Court VACATES the Case Management Conference on October 6, 2008.

IT IS SO ORDERED.

Dated: October 2, 2008



 The Honorable James Ware
 United States District Court Judge