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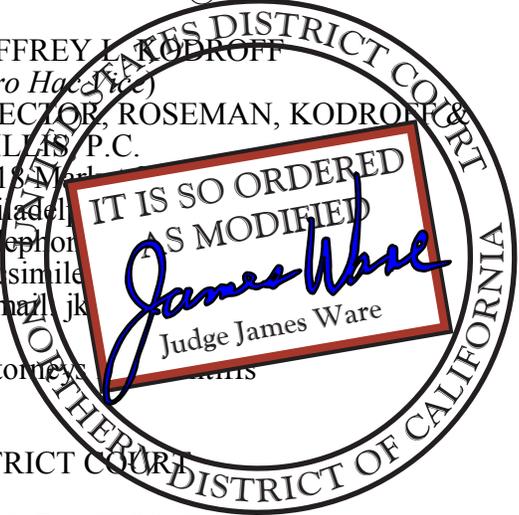
16   UNITED STATES DISTRICT COURT

17   NORTHERN DISTRICT OF CALIFORNIA

18   SAN JOSE DIVISION

19
    NATHAN NYGREN, STEPHEN   Case No. 07-05793 (JW)
20 SHIFFLETTE and AMY FROMKIN, on
    behalf of themselves and all others **STIPULATED REQUEST FOR ORDER
21 similarly situated,   AND [PROPOSED] ORDER EXTENDING
                                         CLASS DISCOVERY AND BRIEFING
22   Plaintiffs,   DEADLINES**
23   v.   Action filed: November 14, 2007
                                        Trial: October 5, 2010
24 HEWLETT-PACKARD COMPANY, a
    Delaware corporation,
25
            Defendant.
26

27

28

Through this Stipulated Request and [Proposed] Order, Plaintiffs Nathan Nygren, Stephen Shifflette and Amy Fromkin (together, "Plaintiffs") and Defendant Hewlett-Packard Company ("HP") stipulate and agree to extend the class discovery and briefing deadlines as set forth below, and jointly seek that the Court approve this extension pursuant to Civil L.R. 6-2.

WHEREAS, on May 28, 2009, the Court issued its Order Granting In Part And Denying In Part Defendant's Motion To Dismiss Plaintiffs' Second Amended Complaint;

WHEREAS, on June 12, 2009, the parties filed a Joint Case Management Statement setting forth the following class certification discovery and briefing schedule:

Class Certification Discovery Deadline:	August 28, 2009
Plaintiffs' Class Certification Motion:	September 28, 2009
HP's Opposition:	November 13, 2009
Plaintiffs' Reply	December 14, 2009
Class Certification Hearing:	January 4, 2010

WHEREAS, pursuant to the parties' Joint Case Management Statement, the Court entered an Order on June 26, 2009 adopting the parties' proposed class certification discovery and briefing schedule with the following modification:

Class Certification Hearing:	January 25, 2010

WHEREAS, following the issuance of the Court's Third Scheduling Order on June 26, 2009, the parties continued to exchange discovery;

WHEREAS, on August 10, 2009, the parties filed a Stipulated Request for an Order and Proposed Order Extending Class Certification Discovery and Briefing Deadlines requesting the Court's approval of the following modifications to the class certification discovery and briefing schedule:

Class Certification Discovery Deadline:	November 30, 2009
Plaintiffs' Class Certification Motion:	December 21, 2009
HP's Opposition:	January 29, 2009
Plaintiffs' Reply	February 19, 2009
Class Certification Hearing:	[Set by Court]

WHEREAS, pursuant to the parties' August 10, 2009 Stipulated Request for an Order Extending Class Discovery and Briefing Deadlines, the Court issued an Order on August 20, 2009 granting the parties' request and scheduling the class certification hearing as follows:

Class Certification Hearing: March 8, 2010;

WHEREAS, since the issuance of the Court's August 20, 2009 Order, the parties have exchanged additional discovery requests and have continued to produce discovery in earnest;

WHEREAS, the parties are currently in the process of scheduling multiple depositions;

WHEREAS, despite their efforts to maintain the class certification discovery deadline, which currently is set to pass on November 30, 2009, the parties require additional time to complete class certification discovery, including to coordinate depositions and to complete the exchange and/or inspection of documents and other items;

WHEREAS, the parties continue to explore a potential resolution to this matter and, therefore, also request this extension in an effort to avoid what may be an unnecessary and/or premature expenditure of time and expense;

WHEREAS, as set forth above, the parties have sought, and were granted, only one prior extension of time on the class certification discovery and briefing deadlines; and

WHEREAS, the requested time modification will not effect the schedule for merits discovery and/or trial as proposed by the parties' June 12, 2009 Joint Case Management Schedule and modified by the Court's June 26, 2009 Order;

ACCORDINGLY, pursuant to Civil Local Rules 6-2 and 7-12, the parties hereby stipulate to, and request the Court's approval of, the following extended class certification discovery and briefing schedule:

Class Certification Discovery Deadline: January 8, 2010

Plaintiffs' Class Certification Motion: January 29, 2010

HP's Opposition: March 5, 2010

Plaintiffs' Reply March 26, 2010

Class Certification Hearing: **April 12, 2010 at 9 a.m.**

Dated: November 4, 2009   MORGAN, LEWIS & BOCKIUS LLP

                                            By: */s/ Robert A. Particelli*
                                                       Robert A. Particelli

                                                       Attorneys for Defendant
                                                       HEWLETT-PACKARD COMPANY

Dated: November 4, 2009   RAM & OLSON LLP
                                            EDELSON & ASSOCIATES, LLC
                                            SPECTOR, ROSEMAN, KODROFF & WILLIS , P.C.

                                            By: */s/ Marc H. Edelson*
                                                       Marc H. Edelson

                                                       Attorneys for Plaintiffs

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.
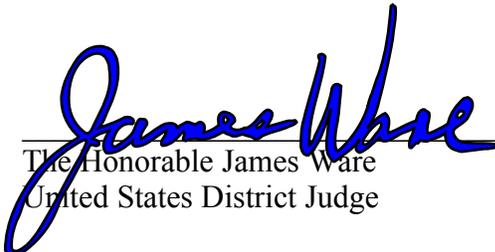
Dated: November 19, 2009   _____
                                            The Honorable James Ware
                                            United States District Judge