

**** E-filed January 14, 2010 ****

1 HOWARD HOLDERNESS (SBN 169814)
 2 MORGAN, LEWIS & BOCKIUS LLP
 3 One Market, Spear Street Tower
 4 San Francisco, CA 94105
 5 Telephone: 415.442.1000
 6 Facsimile: 415.442.1001
 7 E-mail: hholderness@morganlewis.com

8 ROBERT A. PARTICELLI (PAB 82651)
 9 (*Pro Hac Vice*)
 10 KRISTOFOR T. HENNING (PAB 85047)
 11 (*Pro Hac Vice application forthcoming*)
 12 MORGAN, LEWIS & BOCKIUS LLP
 13 1701 Market Street
 14 Philadelphia, PA 19103
 15 Telephone: 215.963.5000
 16 Facsimile: 215.963.5001
 17 E-mail: khenning@morganlewis.com

18 Attorneys for Defendant
 19 HEWLETT-PACKARD COMPANY

MICHAEL F. RAM (SBN 104805)
 RAM & OLSON LLP
 555 Montgomery Street, Suite 820
 San Francisco, CA 94111
 Telephone: 415.433.4949
 Facsimile: 415.433.7311
 E-mail: mram@ramolson.com

MARC H. EDELSON
 (*Pro Hac Vice*)
 EDELSON & ASSOCIATES, LLC
 45 W. Court Street
 Doylestown, PA 18901
 Telephone: 215.230.8043
 Facsimile: 215.230.8735
 E-mail: medelson@hofedlaw.com

JOHN A. MACORETTA
 (*Pro Hac Vice*)
 SPECTOR, ROSEMAN, KODROFF, &
 Willis, P.C.
 1818 Market Street, Suite 2500
 Philadelphia, PA 19103
 Telephone: 215.496.0300
 Facsimile: 215.496.6611
 E-mail: jmacoretta@srkw-law.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

NATHAN NYGREN, STEPHEN
 SHIFFLETTE and AMY FROMKIN, on
 behalf of themselves and all others
 similarly situated,

Plaintiffs,

v.

HEWLETT-PACKARD COMPANY, a
 Delaware corporation,

Defendant.

Case No. 07-05793 (JW)

**STIPULATED REQUEST FOR ORDER
 AND ~~PROPOSED~~ ORDER REGARDING
 OUTSTANDING DISCOVERY
 RESPONSES AND MOTION TO COMPEL
 DISCOVERY DEADLINE**

Action filed: November 14, 2007
 Trial: October 5, 2010

1 Through this Stipulated Request and [Proposed] Order, Plaintiffs Nathan Nygren, Stephen
2 Shifflette and Amy Fromkin (together, “Plaintiffs”) and Defendant Hewlett-Packard Company
3 (“HP”) stipulate and agree to the following as set forth below, and jointly seek that the Court
4 approve this extension pursuant to Civil L.R. 6-2.

5 WHEREAS, on November 4, 2009, the parties filed a Stipulated Request for an Order and
6 Proposed Order Extending Class Certification Discovery and Briefing Deadlines requesting the
7 Court’s approval of the following modifications to the class certification discovery and briefing
8 schedule:

9	Class Certification Discovery Deadline:	January 8, 2010
10	Plaintiffs’ Class Certification Motion:	January 29, 2010
11	HP’s Opposition:	March 5, 2010
12	Plaintiffs’ Reply	March 26, 2010
13	Class Certification Hearing:	[Set by Court]

14 WHEREAS, pursuant to the parties’ November 4, 2009 Stipulated Request for an Order
15 and Proposed Order Extending Class Certification Discovery and Briefing Deadlines, the Court
16 issued an Order on November 20, 2009 granting the parties’ request and scheduling the class
17 certification hearing as follows:

18	Class Certification Hearing:	April 12, 2010 at 9 a.m.
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19 WHEREAS, since the issuance of the Court’s November 20, 2009 Order, the parties have
20 exchanged additional discovery requests and have continued to produce discovery in earnest;

21 WHEREAS, since the issuance of the Court’s November 20, 2009 Order, the parties have
22 scheduled and taken multiple depositions;

23 WHEREAS, on December 31, 2009, Plaintiffs sent a letter to HP concerning outstanding
24 discovery requests;

25 WHEREAS, the parties are engaging in the meet and confer process regarding Plaintiffs’
26 letter and HP will respond in writing to Plaintiffs’ letter on January 11, 2010;

27 WHEREAS, the parties agree that, following the appropriate meet and confer process,
28 Plaintiffs shall file any motion to compel discovery arising out of their December 31, 2009 letter

1 by January 15, 2010;

2 WHEREAS, even though HP does not concede that any motion to compel filed by
3 Plaintiffs would be proper, it would not oppose any motion to compel arising out of Plaintiffs'
4 December 31, 2009 letter filed by January 15, 2010 on the grounds that it was filed after the
5 current discovery cutoff date of January 8, 2010;

6 ACCORDINGLY, pursuant to Civil Local Rules 6-2 and 7-12, the parties hereby stipulate
7 to, and request the Court's approval of a deadline of January 15, 2010 for Plaintiffs to file any
8 motion to compel discovery arising out of their December 31, 2009 letter under the terms of this
9 Stipulation.

10 Dated: January 8, 2010 By: /s/ Kristofor T. Henning
11 Kristofor T. Henning
12 MORGAN, LEWIS & BOCKIUS LLP
13 1701 Market Street
14 Philadelphia, PA 19103
15 Telephone: 215.963.5000
16 Facsimile: 215.963.5001
17 E-mail: khenning@morganlewis.com
18 *Attorneys for Defendant*
19 *HEWLETT-PACKARD COMPANY*

17 Dated: January 8, 2010 RAM & OLSON LLP
18 EDELSON & ASSOCIATES, LLC
19 SPECTOR, ROSEMAN & KODROFF & WILLIS , P.C.

20 By: /s/ Michael F. Ram
21 Michael F. Ram
22 RAM & OLSON LLP
23 555 Montgomery Street, Suite 820
24 San Francisco, CA 94111
25 Telephone: 415.433.4949
26 Facsimile: 415.433.7311
27 E-mail: mram@ramolson.com
28 *Attorneys for Plaintiffs*

25 PURSUANT TO STIPULATION, IT IS SO ORDERED.

26 Dated: January 14, 2010

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28 _____
The Honorable Howard R. Lloyd
United States Magistrate Judge