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25 UNITED STATES DISTRICT COURT  
 26 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
 27 SAN JOSE DIVISION

28 MARY SANBROOK, on behalf of herself  
 and all others similarly situated,  
 Plaintiffs,  
 v.  
 OFFICE DEPOT, INC., a corporation, and  
 DOES 1-20,  
 Defendant.

CASE NO. C 07-05938 RMW

**[PROPOSED] ORDER CONTINUING  
 HEARING ON OFFICE DEPOT, INC.'S  
 MOTION FOR SUMMARY JUDGMENT**

New Hearing Date: December 19, 2008  
 Time: 9:00 a.m.  
 Courtroom: 6

Old Hearing Date: December 5, 2008  
 Time: 9:00 a.m.  
 Courtroom: 6

Hon. Ronald M. Whyte

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The parties to this action have submitted a stipulation requesting that the hearing on Office Depot, Inc.'s ("Office Depot") Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment, be continued to December 19, 2008 so that it may be heard concurrently with Plaintiff's Motion for Class Certification.

After consideration of the stipulation, IT IS HEREBY ORDERED that the stipulated request for continuance of the hearing on Office Depot's Motion for Summary Judgment, or in the Alternative, Partial Summary Judgment to December 19, 2008 at 9:00 a.m. is GRANTED.

IT IS SO ORDERED.

DATED: November 24, 2008

By: Ronald M. Whyte  
RONALD M. WHYTE  
UNITED STATES DISTRICT JUDGE