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Attorneys for Plaintiffs

15 **IN THE UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN JOSE DIVISION**

18 FELTON A. SPEARS, JR. and)
 19 SIDNEY SCHOLL, on behalf of themselves and)
 all others similarly situated,)

Plaintiffs,)

vs.)

23 FIRST AMERICAN EAPPRAISEIT)
 (a/k/a eAppraiseIT, LLC),)
 24 a Delaware limited liability company;)

Defendant.)

Case No. 5-08-CV-00868 RMW
STIPULATION AND CASE
MANAGEMENT SCHEDULING ORDER
AMENDING ORDER ENTERED ON
OCTOBER 2, 2009

1 The parties, by their undersigned counsel, hereby submit the following stipulation and
2 [proposed] order for entry by this Court pursuant to Local Rule 7-12:

3 1. On October 2, 2009, this Court held a Case Management Conference and entered a
4 Case Management Scheduling Order (Document 175) providing the parties until February 26, 2010
5 to complete discovery related to class certification issues, and setting a motions hearing on class
6 certification for April 23, 2010, at 9:00 a.m.

7 2. In entering this schedule, the Court adopted the parties' jointly proposed class
8 certification discovery deadline of February 26, 2010. *See* Joint Case Management Conference
9 Statement, filed September 21, 2009 (Document 172). Because the volume of the number of pages
10 of documents produced by the Defendant was more than double the estimates made prior to the
11 parties' agreement on the joint proposed class certification discovery schedule, Plaintiff requires
12 additional time to review those documents and complete class certification discovery before
13 presenting their class certification motion.

14 3. In that connection, the parties conferred with respect to extending the current class
15 certification schedule and hereby agree to and submit the following stipulation for an amended
16 schedule for completion of class discovery and for the hearing and briefing on Plaintiff's Motion for
17 Class Certification:

18 1. On or before **April 23, 2010**, all class certification discovery shall be
19 completed by the parties.

20 2. Plaintiff's motion and brief in support of class certification shall be filed no
21 later than **May 7, 2010**.

22 3. Defendant's opposition to the Motion for Class Certification shall be filed no
23 later than **June 4, 2010**.

24 4. Plaintiff's reply in support of her Motion for Class Certification shall be filed
25 no later than **June 18, 2010**.

26 5. The Motion for Class Certification shall be heard on **July 2, 2010, at 9:00**
27 **a.m.** in Courtroom 4, 5th Floor, United States Courthouse, 280 S. First Street, San Jose,
28 California.

1 The Parties respectfully request that the Court enter this Stipulation.

2 Dated: February 3, 2010

3 **AGREED TO BY:**

4 **SPECTER SPECTER EVANS &
5 MANOGUE, P.C.**

DLA PIPER LLP

6 By: s/Joseph N. Kravec, Jr.
7 Joseph N. Kravec, Jr.
(Admitted Pro Hac Vice)

By: s/Richard F. Hans via email consent
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ATTORNEYS FOR DEFENDANT

21 **ATTORNEYS FOR PLAINTIFFS**

22
23
24 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

25 **Dated: February 9, 2010**


26 **Honorable Ronald M. Whyte**