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19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

21 DAVID HO, on behalf of himself and all
 22 others similarly situated and on behalf of the
 general public and DOES #1-20,

23 Plaintiffs,

24 v.

25 ERNST & YOUNG, LLP,

26 Defendants.

Case No. C 05 04867 (JF) (consolidated for
 class certification purposes with Case Nos. C-
 08-4988-JF and C-08-2853-JF)

**STIPULATION AND ~~PROPOSED~~
 ORDER CONTINUING CASE
 MANAGEMENT CONFERENCE**

Hon. Jeremy Fogel

CMC Date: Friday, September 3, 2010

1 PROOF OF SERVICE

2 STATE OF CALIFORNIA, COUNTY OF _____

3 I am employed in the County of _____, State of California. I am over the age of
4 18 and not a party to the within action; my business address is: _____
5 as: _____ On _____, I served the foregoing document(s) described
6 below, using the following means:

7 SEE ATTACHED SERVICE LIST

8 BY PERSONAL SERVICE I delivered such envelope(s) by hand to the offices of the addressee(s).

9 BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the
10 respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and
11 mailing, following our ordinary business practices. I am readily familiar with the firm's practice of
12 collection and processing correspondence for mailing. On the same day that correspondence is placed
13 for collection and mailing, it is deposited in the ordinary course of business with the United States
14 Postal Service, in a sealed envelope with postage fully prepaid at _____, California.

15 BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an
16 overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I
17 placed the envelope or package for collection and overnight delivery at an office or a regularly utilized
18 drop box of the overnight delivery carrier.

19 BY MESSENGER SERVICE I served the documents by placing them in an envelope or package addressed
20 to the respective address(es) of the party(ies) stated above and providing them to a professional
21 messenger service for service.

22 BY FAX Based on an agreement of the parties to accept service by fax transmission, I faxed the
23 documents to the respective fax number(s) of the party(ies) as stated above. No error was reported by
24 the fax machine that I used. A copy of the record of the fax transmission(s), which I printed out, is
25 attached.

26 BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION Based on a court order or an agreement of the parties
27 to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the
28 respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable
time after the transmission, any electronic message or other indication that the transmission was
unsuccessful.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing
is true and correct.

(FEDERAL) I declare that I am employed in the office of a member of the bar of this court at whose
direction the service was made.

Executed on _____ at _____, California.

[Print Name of Person Executing Proof]

[Signature]