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28 Attorneys for Defendant
 APPLE INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DAVID WALSH, an individual, DAVID
 KALUA, an individual, on behalf of
 themselves, and on behalf of all persons
 similarly situated,

Plaintiffs,

v.

APPLE INC.,

Defendant.

CASE NO. 05:08-cv-04918 JF

**STIPULATION AND [PROPOSED]
 ORDER CONTINUING INITIAL
 CASE MANAGEMENT
 CONFERENCE AND ASSOCIATED
 DEADLINES**

1 Pursuant to Civil Local Rule 6-2 and 7-12, Plaintiffs David Walsh and David Kalua
2 (collectively "Plaintiffs") and Defendant Apple Inc. ("Apple"), by and through their respective
3 counsel of record, hereby submit this Stipulation and Proposed Order seeking a four week
4 continuance of the Initial Case Management Conference and other associated deadlines set forth
5 in the Court's October 28, 2008 Scheduling Order.

6 WHEREAS, the case management conference is currently set for April 17, 2009 under the
7 Scheduling Order;

8 WHEREAS, the last day for a Rule 26(f) conference under the Scheduling Order is March
9 27, 2009;

10 WHEREAS, the last day to file the case management statement, initial disclosures, and
11 Rule 26(f) Report under the Scheduling Order is April 10, 2009;

12 WHEREAS, the parties will be attending mediation regarding this matter on April 10,
13 2009;

14 WHEREAS, on March 16, 2009, the Court granted Apple's Motion for a More Definite
15 Statement and ordered Plaintiffs to file an amended complaint within 30 days of the date of the
16 order;

17 WHEREAS, the parties believe it would be more efficient to postpone the currently
18 scheduled CMC until after the scheduled mediation and after the amended complaint is filed;

19 WHEREAS, a four week continuance of the Initial Case Management Conference and
20 associated deadlines set forth in the October 28, 2008 Scheduling Order will provide the
21 additional time necessary for the parties to fully prepare for the Rule 26(f) conference, initial
22 disclosures, and case management statement and allow for a more productive case management
23 conference;

24 THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

25 The Initial Case Management Conference, presently scheduled for April 17, 2009, is
26 continued to May 15, 2009 at 10:30 a.m., or as soon thereafter as the Court's schedule will allow,
27 and that the associated deadlines set forth in the October 31, 2008 Scheduling Order be continued
28 accordingly.

1 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

2 Dated: March 25, 2009

LYNNE C. HERMLE
JOSEPH C. LIBURT
JESSICA R. PERRY
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/s/

Joseph C. Liburt
Attorneys for Defendant
APPLE INC.

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Dated: March 25, 2009

NORMAN B. BLUMENTHAL
KYLE R. NORDREHAUG
APARAJIT BHOWMIK
BLUMENTHAL, NORDREHAUG & BHOWMIK

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WALTER HAINES
UNITED EMPLOYEES LAW GROUP

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/s/

Aparajit Bhowmik
Attorneys for Plaintiffs
DAVID WALSH and DAVID KALUA

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ORDER

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

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The Initial Case Management Conference is continued to May 15, 2009. The deadlines set forth in the October 28, 2008 Scheduling Order are continued accordingly.

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Dated: _____

The Honorable Jeremy Fogel
United States District Judge

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