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Attorneys for Defendant

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,

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

Plaintiffs,

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

v.

ERNST & YOUNG, LLP,

Hon. Jeremy Fogel

Defendants.

CMC Date: Friday, September 3, 2010

28 STIPULATION AND [PROPOSED] ORDER CONTINUING CASE MANAGEMENT  
 CONFERENCE Case No. C 05 04867-JF (HRL)  
 (Consolidated for Class Certification Purposes with Case Nos. C-08-4988-JF and C-08-2853-JF)

1 WHEREAS the Court has set September 3, 2010, for a Further Case Management Conference;

2 WHEREAS the parties are currently briefing the class certification motion served on Defendant  
3 on August 20, 2010, and filed under seal by Plaintiffs on August 23, 2010.

4 WHEREAS the hearing on Plaintiffs' Motion For Class Certification Pursuant To Rule 23 is set  
5 for December 17, 2010;

6 THEREFORE IT IS HEREBY STIPULATED by and between the parties hereto through their  
7 respective undersigned counsel that:

8 1. The Further Case Management Conference shall be continued to December 17, 2010,  
9 immediately after the hearing on Plaintiffs' Motion For Class Certification Pursuant To Rule 23.

10 Dated: September 1, 2010

11 /s/  
12 \_\_\_\_\_  
13 Ross L. Libenson  
14 HOFFMAN & LAZEAR  
Attorney for Plaintiffs

15 Dated: September 1, 2010

16 /s/  
17 \_\_\_\_\_  
18 GREGORY W. KNOPP (SBN237615)  
19 AKIN GUMP STRAUSS HAUER &  
20 FELD LLP  
21 Attorney for Defendant

22 *(This stipulation has been approved by Gregory W. Knopp)*

23 **ORDER**

24 IT IS SO ORDERED.

25 Dated: Sept. 2, 2010

26 \_\_\_\_\_  
27 United States District Judge  
28 

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]