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# **UNITED STATES DISTRICT COURT**

## **NORTHERN DISTRICT OF CALIFORNIA--SAN JOSE DIVISION**

RENEE TIETSWORTH, SUZANNE  
REBRO, SONDR A SIMPSON, and JOHN  
CAREY, On Behalf of Themselves and All  
Others Similarly Situated,

Plaintiffs,

vs.

SEARS, ROEBUCK AND CO., and  
WHIRLPOOL CORPORATION,

Defendants.

CASE NO. C09-00288-JF

### **STIPULATION AND PROPOSED ORDER REVISING CASE MANAGEMENT SCHEDULE**

Judge: Hon. Jeremy Fogel

**Stipulation and Proposed Order Revising Case Management Schedule**

1 Pursuant to Civil L.R. 6-2 and 7-12, the parties hereby stipulate and agree that the Case  
2 Management Schedule adopted by the Court on August 10, 2011 (Docket # 122), should be  
3 revised in the manner described below to allow time for the parties to complete discovery and  
4 resolve any related discovery disputes in advance of Plaintiffs' anticipated motion for class  
5 certification, and in support thereof, state as follows:

6 1. Under the current Case Management Schedule:

- 7 a. The parties are to complete expert depositions on September 23, 2011.  
8 b. Plaintiffs are to file their motion for class certification on October 11, 2011.  
9 c. Defendants are to file their opposition to Plaintiffs' motion for class  
10 certification on November 8, 2011.  
11 d. Plaintiffs are to file reply to their motion for class certification on December  
12 2, 2011.  
13 e. Subject to the Court's calendar, the hearing on Plaintiffs' motion for class  
14 certification should be December 16, 2011.

15 2. Defendants anticipate completing the outstanding document production with  
16 respect to all document requests that were served prior to August 30, 2011, by September 23,  
17 2011. The parties have exchanged expert reports, but have not completed expert depositions.  
18 Additional time is needed to respond to additional discovery requests, to resolve certain  
19 discovery disputes, to complete the inspection of Class Representative Renee Tietsworth's  
20 washing machine, and to take the necessary expert depositions before the parties can brief class  
21 certification.

22 3. Counsel for both parties met and conferred and have stipulated and agreed that  
23 the Case Management Schedule should be revised as follows:

- 24 a. The parties are to complete expert depositions on December 2, 2012.  
25 b. Plaintiffs are to file their motion for class certification on December 16,  
26 2012.  
27 c. Defendants are to file their opposition to Plaintiffs' motion for class  
28 certification on January 27, 2012.

1 d. Plaintiffs are to file their reply to their motion for class certification on  
2 February 24, 2012.

3 e. Subject to the Court's availability, the hearing on Plaintiffs' motion for class  
4 certification should be held in mid-March, 2012.

5 **SO STIPULATED:**

6 Dated: September 16, 2011

7 /s/ Ed Kilpela

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*Attorneys for Plaintiffs and the Proposed*  
*Class*

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**PURSUANT TO STIPULATION, IT IS SO ORDERED:**

Dated: 9/16/2011

  
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Hon. Jeremy M. Fogel  
United States District Judge

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**ECF CERTIFICATION**

Pursuant to General Order No. 45 § X.B., the filing attorney attests that she has obtained concurrence regarding the filing of this document from the signatories to the document.

/s/ Lori E. Andrus

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**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2011, I electronically filed the above document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the e-mail addresses denoted on the Court’s Electronic Mail Notice List.

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

/s/ Lori E. Andrus