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Attorneys for Defendant S.C. Johnson & Son, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

WAYNE KOH, on behalf of himself and all
others similarly situated

Case No.: 09-cv-00927 RMW

Plaintiff,

**STIPULATION AND [] ORDER
EXTENDING DISCOVERY AND CLASS
CERTIFICATION BRIEFING DEADLINES**

vs.

S.C. JOHNSON & SON, INC.,

Defendant.

**STIPULATION AND [PROPOSED] ORDER
EXTENDING DISCOVERY AND CLASS CERTIFICATION BRIEFING DEADLINES**

Plaintiff Wayne Koh and Defendant SC Johnson & Son, Inc. (collectively, the “Parties”), by their attorneys, hereby stipulate, contingent upon permission of the Court, to the following extension of the current discovery and class certification briefing deadlines. The Parties also hereby respectfully request that the Court order the stipulated schedule:

Stipulation and [Order Extending
Discovery and Briefing Schedule

Case No. 09-cv-00927 RMW

STIPULATION

WHEREAS, on January 19, 2011, the Court entered the following schedule (Dkt. 72);

Class Certification Briefing:

Defendant’s response to motion for class certification: April 11, 2011
Plaintiff’s reply in support of motion for class certification: May 9, 2011
Hearing on Plaintiff’s Motion for Class Certification: May 27, 2011

Discovery:

Fact discovery cut-off: May 9, 2011
Plaintiff’s expert reports due: April 25, 2011
Depositions of plaintiff’s experts: May 9, 2011
Defendant’s expert reports due: May 23, 2011
Depositions of defendant’s experts: June 6, 2011

Summary Judgment Briefing:

Motions for summary judgment: June 22, 2011
Responses to motions for summary judgment: July 22, 2011
Replies in support of motions for summary judgment: August 22, 2011
Last Day to Hear Dispositive Motions: September 16, 2011, at 9:00 a.m.

Trial:

Pretrial Conference: October 27, 2011 at 2:00 p.m.
Jury Trial: November 14, 2011 at 1:30 p.m.

WHEREAS, in addition to the dates listed above, Plaintiff also filed a motion to compel certain production of documents from Defendant that is scheduled for hearing on May 3, 2011;

WHEREAS, pursuant to a joint stipulation between the Parties reached in response to a motion to compel filed by Plaintiffs, Defendant’s Chief Executive Officer, H. Fisk Johnson, is to sit for his deposition prior to the current discovery cut-off date of May 9, 2011 (Dkt. 111);

WHEREAS, on April 11, 2011, Defendants served several expert reports in support of their opposition to Plaintiff’s Motion for Class Certification;

1 WHEREAS, Plaintiff needs to depose Defendant's experts prior to filing Plaintiff's Reply in
2 Support of Plaintiff's Motion for Class Certification, which is currently due on May 9, 2011,

3 WHEREAS, Plaintiff subpoenaed the experts on April 15, 2011 for their depositions;

4 WHEREAS, Defendant's experts are not available for deposition prior to May 9, 2011;

5 WHEREAS, the Parties recently entered serious settlement negotiations, and are in the
6 process of retaining a private mediator;

7 WHEREAS, the Parties believe that it is in the best interest of efficiency and judicial
8 economy if they focus their efforts to determine if the matter can be settled at this point without
9 further discovery and motion practice;

10 WHEREAS, the Parties have, to date, requested two extensions of the discovery deadline and
11 trial date, which was granted by the Court on February 2, 2010 and January 19, 2011;

12 WHEREAS, the Parties estimate that they need an additional sixty (60) days to meet with a
13 mediator and determine whether this action can be settled;

14 THE FOLLOWING SCHEDULE, UPON PERMISSION OF THE COURT, IS AGREED
15 TO BY THE PARTIES:

16 **Class Certification Briefing:**

17 Plaintiff's reply in support of motion for class certification: July 11, 2011

Hearing on the Motion for Class Certification: July 29, 2011

18 **Discovery:**

19 Hearing on Plaintiff's Motion to Compel (Dkt. 93): on or before June 21, 2011

20 Fact discovery cut-off: July 11, 2011

21 Deposition of CEO H. Fisk Johnson: before July 11, 2011

22 Plaintiff's expert reports due: June 27, 2011

23 Depositions of plaintiff's experts: July 11, 2011

24 Defendant's expert reports due: July 25, 2011

25 Depositions of defendant's experts: August 8, 2011

26 **Summary Judgment Briefing:**

27 Motions for summary judgment: August 22, 2011

1 Responses to motions for summary judgment: September 22, 2011
2 Replies in support of motions for summary judgment: October 21, 2011
3 Last Day to Hear Dispositive Motions: November 18, 2011, at 9:00 a.m.

4 **Trial:**
5 Pretrial Conference: January 5, 2012 at 2:00 p.m.
6 Jury Trial: January 17, 2012 at 1:30 p.m.
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8 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.
9

10 DATED: April 27, 2011

11 **REESE RICHMAN LLP**
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27 **ORDER**

28 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATED: 5/12/11 *Ronald M. Whyte*
Ronald M. Whyte
United States District Judge