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E-FILED - 1/19/11

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

12
 13 **IN THE UNITED STATES DISTRICT COURT**
 14 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
 15 **SAN JOSE DIVISION**

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

Case No.: 09-cv-00927 RMW

17 Plaintiff,

**STIPULATION AND ORDER
 EXTENDING TIME**

18 vs.

19 S.C. JOHNSON & SON, INC.,

20 Defendant.

21
 22 Pursuant to Local Rule 6-1(b), Plaintiff Wayne Koh and Defendant SC Johnson & Son, Inc.
 23 (collectively, the "Parties"), by their attorneys, hereby stipulate to the following schedule. The
 24 Parties also hereby respectfully request that the Court enter the stipulated schedule, and disregard the
 25 stipulated schedule filed on December 10, 2010:
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 27
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Stipulation and Order
 Extending Time

Case No. 09-cv-00927 RMW

STIPULATION

WHEREAS, on August 16, 2010, the Court entered the following schedule (Dkt. 54):

Class Certification Briefing:

Plaintiff's motion for class certification:	November 1, 2010
Defendant's response to motion for class certification:	December 15, 2010
Plaintiff's reply in support of motion for class certification:	January 13, 2011

Discovery:

Fact discovery cut-off:	January 13, 2011
Plaintiff's expert reports due:	January 20, 2011
Depositions of plaintiff's experts:	February 3, 2011
Defendant's expert reports due:	February 17, 2011
Depositions of defendant's experts:	March 3, 2011

Summary Judgment Briefing:

Motions for summary judgment:	February 21, 2011
Responses to motions for summary judgment:	March 23, 2011
Replies in support of motions for summary judgment:	April 20, 2011
Last Day to Hear Dispositive Motions:	May 6, 2011, at 9:00 a.m.

Trial:

Pretrial Conference:	June 9, 2011 at 2:00 p.m.
Jury Trial:	July 11, 2011 at 1:30 p.m.

WHEREAS, though the Parties have been engaging diligently in discovery, they realize that they need additional time to complete class and full merits discovery. Deposition discovery has commenced, but has not concluded. Plaintiff served his motion for class certification on November 1, 2010. However, plaintiff has moved to quash SC Johnson's subpoenas on several entities in connection with its class discovery efforts. The hearing on that motion was set for January 4, 2011, several weeks after the current deadline for SC Johnson's opposition to plaintiff's class motion. The Parties agreed that an extension of SC Johnson's opposition brief was thus appropriate. On December 10, 2010, the Parties filed a stipulation to extend the deadlines in the case, including a 30-day extension of SC Johnson's opposition to plaintiff's class motion, to February 4, 2011. The Court has not yet entered this extension, but in the meantime, the Court continued the January 4 hearing date on the motion to quash to February 1, 2011. The parties agree that a further extension of SC Johnson's opposition brief is appropriate. In addition, defendant has objected to plaintiff's

1 notice of deposition to SC Johnson's CEO, H. Fisk Johnson, and plaintiff intends to file a motion to
2 compel;

3 WHEREAS, the hearing date on plaintiff's motion for class certification should be continued
4 in view of the foregoing;

5 WHEREAS, the current hearing date on plaintiff's motion for class certification is set several
6 weeks after the current due date for summary judgment motions, and the Parties agree that the
7 interests of efficiency are served by allowing the Court to hear the motion for class certification at
8 least several weeks prior to commencing summary judgment briefing;

9 WHEREAS, to date, the Parties have stipulated to, and the Court has ordered, three prior
10 extensions of the trial date (Dkt. 50, 52, 54);

11 WHEREAS, the parties believe that, under these circumstances, an extension of class
12 briefing several weeks beyond the hearing on plaintiff's motion to quash, a continuance of the
13 hearing on plaintiff's motion for class certification, and a further extension of discovery, summary
14 judgment, pretrial, and trial dates is warranted;

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

17 **Class Certification Briefing:**

18 Defendant's opposition to motion for class certification:	April 11, 2011
19 Plaintiff's reply in support of motion for class certification:	May 9, 2011
20 Hearing on plaintiff's motion for class certification:	May 27, 2011

21 **Discovery:**

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

1 **Summary Judgment Briefing:**

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

6 **Trial:**

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

9
10 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

11 DATED: January 6, 2011

12 **REESE RICHMAN LLP**

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□ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 1/19/11



Ronald M. Whyte
United States District Judge