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24 Attorneys for Defendant ACER AMERICA CORPORATION



25 **UNITED STATES DISTRICT COURT**  
 26 **NORTHERN DISTRICT OF CALIFORNIA**

27 **SAN FRANCISCO DIVISION**

28 KEVIN EMBRY, an individual, on behalf of himself, the general public and those similarly situated

Plaintiff,

v.

ACER AMERICA CORPORATION; AND  
DOES 1 THROUGH 50

Defendants

CASE NO. CV-09-01808 (JW)

**STIPULATION TO CONTINUE HEARING RE MOTION FOR PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT AND MOTION FOR CLASS CERTIFICATION**

1 TO THE COURT:

2 WHEREAS, the hearing on the parties' joint motion for preliminary approval of a class  
3 action settlement, or in the alternative Plaintiff's motion for class certification, is set for  
4 September 12, 2011, at 9:00 a.m.

5 WHEREAS, on September 9, 2011, the Court ordered the parties to file a revised  
6 proposed order on the motion for preliminary approval that includes the name of a qualified third-  
7 party claim administrator (Dkt.# 182) ("September 9 Order");

8 WHEREAS, the September 9 Order stated that if the Parties were unable to retain a third-  
9 party claim administrator by September 12, 2011, they were permitted to file a stipulation to  
10 continue the hearing to September 19, 2011;

11 WHEREAS, the parties are still attempting to retain a third-party claim administrator and  
12 are negotiating about the costs of the administrator;

13 NOW THEREFORE, THE PARTIES HEREBY STIPULATE AND AGREE as follows:

14 (1) The hearing on the pending motions shall be continued to September 19, 2011 at  
15 9:00 am;

16 (2) No later than noon on September 16, 2011, the Parties shall either (1) file a revised  
17 Proposed Order that complies with the September 9 Order or (2) inform the Court that they have  
18 been unable to reach agreement on obtaining a qualified third-party claim administrator. If  
19 agreement is not reached, the parties will either jointly stipulate to reschedule the hearing or will  
20 dissolve the proposed settlement and proceed with the hearing on Plaintiff's pending motion for  
21 class certification.

22 IT IS SO STIPULATED.

23 DATED: September 11, 2011

GUTRIDE SAFIER LLP

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By: /s/ Adam Gutride

26

Adam Gutride

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Seth A. Safier

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Attorneys for Plaintiff Kevin Embry

1 DATED: September 11, 2011

2 QUINN EMANUEL URQUHART OLIVER &  
3 HEDGES, LLP

4 By: s/ Jeff McFarland

5 Jeffery D. McFarland

6 Stan Karas

7 A.J. Bedel

8 Attorneys for Defendant Acer America  
9 Corporation

10 FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

11 DATED: September 12, 2011

12 

13 Honorable James Ware  
14 United States District Court Judge