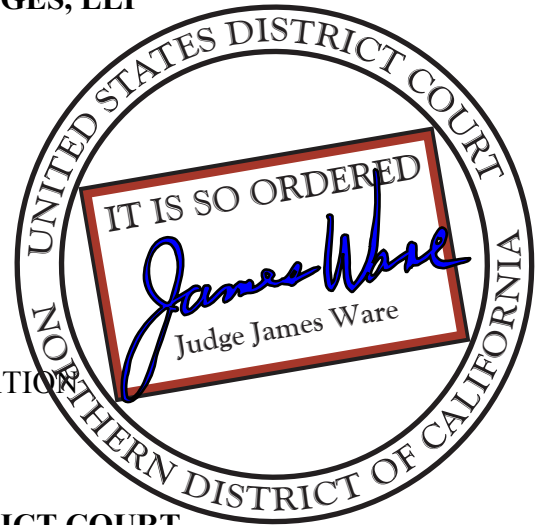


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14 Attorneys for Defendant ACER AMERICA CORPORATION



15
 16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**
 18 **SAN FRANCISCO DIVISION**

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

22 Plaintiff,

23 v.

24 ACER AMERICA CORPORATION; AND
 25 DOES 1 THROUGH 50

26 Defendants

CASE NO. CV-09-01808 (JW)

**SECOND STIPULATED REQUEST FOR
 ADDITIONAL TIME TO PROVIDE
 AMENDED CLAIM FORM AND
 PRELIMINARY APPROVAL ORDER**

27
 28

1 TO THE COURT:

2 WHEREAS, on September 20, 2011, the Court ordered the parties, on or before
3 September 26, 2011, to “revise the Proposed Order to address the question of what relief will be
4 available to those class members whose computers do not have an internal CD drive” (Dkt.# 188)
5 (“September 20 Order”)

6 WHEREAS, on September 28, 2011, in response to the parties’ stipulated request, the
7 Court extended the deadline until October 3, 2011;

8 WHEREAS, Acer has not yet been able (1) to attain approval from Microsoft to distribute
9 the Windows recovery utilities to class members in a format other than CD or DVD, (2) obtain a
10 list of vendor(s) whom Microsoft would approve to create those format(s), or (3) determine the
11 cost of doing so;

12 WHEREAS, Acer must communicate with Microsoft through Acer employees in Taiwan;
13 and

14 WHEREAS, Acer hopes that it will have received the necessary information in the next
15 week or at most the next fourteen days,

16 NOW THEREFORE, THE PARTIES HEREBY JOINTLY REQUEST that the Court
17 extend the time for the parties to comply with the September 20 Order until October 17, 2011.

18 DATED: October 3, 2011

GUTRIDE SAFIER LLP

19
20 By: /s/ Adam Gutride

Adam Gutride

Seth A. Safier

Attorneys for Plaintiff Kevin Embry

21
22
23
24 DATED: October 3, 2011

QUINN EMANUEL URQUHART OLIVER &
HEDGES, LLP

25
26 By: /s/ Jeff McFarland

Jeffery D. McFarland

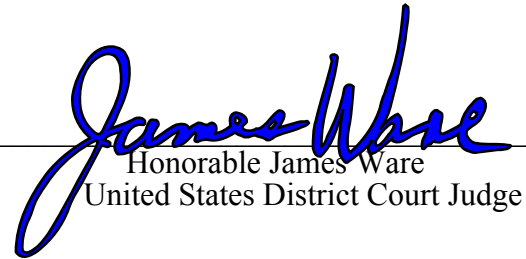
Stan Karas

A.J. Bedel

Attorneys for Defendant Acer America Corporation

FOR GOOD CAUSE SHOWN, IT IS SO ORDERED.

DATED: October 5 _____, 2011


Honorable James Ware
United States District Court Judge

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