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

Kevin Embry,

NO. C 09-01808 JW

Plaintiff,

**ORDER SETTING SCHEDULE FOR
CLASS DISCOVERY AND PLAINTIFF'S
MOTION FOR CLASS CERTIFICATION**

v.

ACER America Corp., et al.,

Defendants.

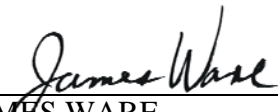
This case is scheduled for a Case Management Conference on August 31, 2009. The parties timely filed a Joint Case Management Statement and Rule 26(f) Report. (See Docket Item No. 26.) Upon review of the parties' Statement, the Court finds it unnecessary to hold a Conference at this time. Accordingly, the Court VACATES the August 31, 2009 the Conference and ORDERS as follows:

- (1) The Court finds good cause to bifurcate discovery between class and merits.
- (2) All class discovery shall be completed on or before **December 4, 2009**.
- (3) The Court sets a hearing on Plaintiff's anticipated Motion for Class Certification on **February 22, 2010 at 9 a.m.** Plaintiff shall notice its Motion in accordance with the Civil Local Rules of the Court.
- (4) The parties shall appear for a Case Management Conference on **February 22, 2010 at 10 a.m.** On or before **February 12, 2010**, the parties shall file a Joint Case

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Management Statement. The Statement shall provide a proposed schedule for the close of all merits discovery.

Dated: August 27, 2009



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

2 Adam Gutride adam@gutridesafier.com
3 Adam Joseph Bedel ajbedel@quinnemanuel.com
4 Jeffery David McFarland jdm@quinnemanuel.com
5 Seth Adam Safier seth@gutridesafier.com
6 Stan Karas stankaras@quinnemanuel.com

7 **Dated: August 27, 2009**

Richard W. Wieking, Clerk

8 **By: /s/ JW Chambers**
9 **Elizabeth Garcia**
10 **Courtroom Deputy**

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