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11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA
13 SAN JOSE DIVISION

14 SHARON HODGES, On Behalf of Herself and)
All Others Similarly Situated,)

15 Plaintiff,)

16 v.)

17 AKEENA SOLAR, INC., BARRY CINNAMON)
18 and GARY EFFREN,)

19 Defendants.)
20

CASE NO.: CV-09-02147-JW

**STIPULATION AND [PROPOSED]
SCHEDULING ORDER**

Hon. James Ware

1 On June 4, 2010, the parties in this action filed a Joint Case Management Statement and
2 [Proposed] Order. By Order entered by the Court on June 10, 2010 ("Order"), the Court adopted
3 a modified version of the Discovery Plan proposed by the parties in their Joint Case Management
4 Statement and ordered the parties to comply with certain other scheduling deadlines.

5 **WHEREAS**, by its Order the Court entered the following Case Schedule:

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7	Close of all discovery	August 1, 2011
8	Last date for hearing dispositive motions	October 3, 2011
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10	Preliminary pretrial conference at 11:00 a.m.	June 27, 2011
11	Preliminary pretrial conference statements	June 17, 2011
12		
13	Deadline for parties to contact Court's ADR program to discuss an appropriate ADR process	June 23, 2010
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16 **WHEREAS**, pursuant to Rule 26(a)(2)(B) of the Federal Rules of Civil Procedure, the
17 Court also ordered expert disclosures and reports due 63 days before the close of discovery (or
18 May 27, 2011), expert rebuttal disclosures and reports due no later than 49 days prior to the close
19 of discovery (or June 13, 2011), and that motions to exclude an expert or expert testimony be
20 filed, served and noticed for hearing no later than 42 days after both expert and rebuttal expert
21 disclosures on a Monday (Law and Motion Day) at 9:00 a.m., and preferably before or on the
22 August 1, 2011 discovery cutoff date at 9:00 a.m.

23 **WHEREAS**, the Court in its Order expressly adopted the parties' Discovery Plan (Order
24 at ¶ 2) in large part, as modified, but did not explicitly order certain other deadlines specified in
25 the Joint Case Management Statement and [Proposed] Order submitted by the parties. By way of
26 clarification, the parties hereby stipulate to the following deadlines, none of which conflict with
27 other deadlines set by the Court:
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Initial Disclosures under FRCP 26	June 28, 2010
Subject to all reserved objections, Defendants will produce the majority of documents relevant to Plaintiffs' discovery requests if such requests are served by July 15, 2010	October 15, 2010

WHEREAS, as permitted by Federal Rule of Civil Procedure 26, the parties further agree to forego the satisfaction of Federal Rule of Civil Procedure 26(a)(1)(ii) which requires the initial disclosures to include a copy – or a description of the categories and location – of documents that may be used to support their claims or defenses.

WHEREAS, the parties' Joint Case Management Statement also included a proposed schedule for class certification briefing which the Court did not adopt in its Order. The parties hereby agree to the following deadlines included in their Joint Case Management Statement, as slightly modified below:

Plaintiffs to file motion for class certification	October 15, 2010
Defendants to file their responses	November 29, 2010
Plaintiffs to file their reply brief	January 10, 2011
Hearing on the motion	February 7, 2011 at 9:00 AM

NOW, THEREFORE, the parties, by and through their undersigned counsel of record, in the interests of judicial economy, hereby agree and stipulate, and the Court hereby orders:

1. The following deadlines, relating to discovery and class certification which do not conflict with any deadlines ordered by the Court in its June 10, 2010 Order, are ordered by the Court:

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DATED: June 24, 2010

Respectfully submitted,

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By: /s/ Mary K. Blasy
Mary K. Blasy

Lead Counsel for Lead Plaintiffs

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED AS MODIFIED.

Dated: June 29, 2010


United States District Judge

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ATTESTATION

I, Dominique-Chantale Alepin, am the ECF User whose ID and password are being used to file this Stipulation and [Proposed] Scheduling Order. In compliance with General Order 45, X.B., I hereby attest that Mary K. Blasy, counsel for Lead Plaintiffs has concurred in this filing.

DATED: June 24, 2010

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Dominique-Chantale Alepin
Dominique-Chantale Alepin

*Attorneys for Defendants Akeena Solar, Inc., Barry
Cinnamon and Gary Effren*