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8 *Interim Class Counsel*

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

13 In re Intel Laptop Battery Litigation

Case No. 09-CV-02889-JW (PVT)

14 **STIPULATION AND [Proposed]**
 15 **ORDER ADJUSTING BRIEFING AND**
 16 **HEARING SCHEDULE**

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1 WHEREAS, the parties participated in an August mediation with Judge Ronald M. Sabraw
2 (Ret.), and have for the past several weeks continued to exchange settlement proposals;

3 WHEREAS, the parties are optimistic that they will be able to reach a settlement that would
4 resolve this case, and wish to devote the next 30 days toward that effort rather than toward briefing of
5 class certification and summary judgment; and

6 WHEREAS, the parties recognize that their request for a 30-day extension of the current briefing
7 and hearing schedule is being presented on the day that Plaintiffs' motion for class certification is due to
8 be filed, but only today reached agreement that it would be beneficial to their settlement efforts and
9 preferable to the parties for Plaintiffs to hold off on filing their motion so that the parties can continue
10 their settlement negotiations,

11 NOW THEREFORE, the parties stipulate that, subject to the Court's approval, that the briefing
12 and hearing schedule set forth in the Court's 9/14/10 stipulated order [Doc. 100] be modified as follows:

13 (1) Plaintiffs to file (or lodge in accordance with Local Rule 79-5) and serve their motion
14 for class certification on or before October 22, 2010;

15 (2) Defendants to file (or lodge in accordance with Local Rule 79-5) and serve their
16 oppositions to Plaintiffs' motion for class certification on or before November 19, 2010;

17 (3) Plaintiffs to file (or lodge in accordance with Local Rule 79-5) and serve their
18 opposition to Defendants' motion for summary judgment on or before November 19, 2010;

19 (4) Plaintiffs to file (or lodge in accordance with Local Rule 79-5) and serve their reply in
20 further support of their motion for class certification on or before **December 2, 2010;**

21 (5) Defendants to file (or lodge in accordance with Local Rule 79-5) and serve their reply in
22 further support of Defendants' motion for summary judgment on or before **December 2, 2010;**

23 (6) The hearing on Plaintiffs' motion for class certification and Defendants' motion for
24 summary judgment shall take place on December 20, 2010, at 9:00 a.m.
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1 (7) The parties will promptly advise the Court if they reach agreement on a final settlement
2 on or before October 22, 2010, and in such an event, will request that the Court vacate the above dates
3 and set a date for hearing preliminary approval of the proposed settlement.
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5 IT IS SO STIPULATED
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7 DATED: September 22, 2010

By: /s/ Eric H. Gibbs
GIRARD GIBBS LLP
Interim Class Counsel

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10 DATED: September 22, 2010

By: /s/ Joseph E. Mais
PERKINS COIE LLP
Attorney for Defendant Intel Corporation


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13 DATED: September 22, 2010

By: /s/ Barry Lee Katzman
NARANCIC & KATZMAN, PC
*Attorney for Defendant Business Applications
Performance Corporation*

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17 **ORDER**

18 PURSUANT TO STIPULATION, IT IS SO ORDERED: AS MODIFIED.
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20 DATE: September 23, 2010



HON. JAMES WARE
United States District Judge