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28 Attorneys for Plaintiffs NISHA BROWN and KATHY WILLIAMSON

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

NISHA BROWN and KATHY
 WILLIAMSON, individually and on behalf
 of all others similarly situated,

Plaintiffs,

v.

WAL-MART STORES, INC., and DOES
 1-50, inclusive,

Defendants.

Case No. C09-03339-JW

STIPULATION AND [PROPOSED]
ORDER MODIFYING ADR DEADLINE

1 Pursuant to Local ADR Rule 5-5 and Local Rule 7-12, Plaintiffs Nisha Brown and
2 Kathy Williamson and Defendant Wal-Mart Stores, Inc., (collectively, the “Parties), submit this
3 Stipulation and Proposed Order to the Court:

4 **STIPULATION**

5 WHEREAS, On January 10, 2010, the Court issued an Order Selecting ADR Process
6 in the above-entitled action (“Order”);

7 WHEREAS, the Court’s Order approved the stipulation between the Parties to
8 participate in Early Neutral Evaluation (ADR L.R. 5), and set a deadline for the Parties to hold the
9 ADR session within 90 days from the date of the order, or April 10, 2010;

10 WHEREAS, the Parties were initially assigned to Evaluator Paul Garrison, but after
11 receiving objections from Plaintiffs, the Court reassigned the matter to Evaluator Robert T. Fries on
12 February 9, 2010;

13 WHEREAS, the Parties previously requested, and were granted an extension from
14 April 10, 2010 to May 4, 2010 to conduct the ENE Conference;

15 WHEREAS, the Parties are currently scheduled to conduct the ENE Conference on
16 May 4, 2010;

17 WHEREAS, after conducting some preliminary discovery, and following further
18 discussions between counsel regarding the case, the legal issues and the factual basis for each
19 Parties’ respective position, the Parties agree that it would now be more appropriate and beneficial to
20 the ultimate resolution of this matter to postpone conducting the ENE Conference until after class
21 certification matters are decided by the Court;

22 WHEREAS, following consultation with the ADR coordinator, the Parties agree that
23 it would not be fruitful to proceed with the ENE Conference at this time, as there are many
24 unresolved legal and factual issues relevant to the resolution of this case;

25 WHEREAS, for good cause and to promote an efficient resolution of this matter at a
26 more appropriate time in the proceedings, the Parties jointly request an extension to participate in an
27 ENE Conference until after the Court issues an Order regarding Plaintiffs’ request for class
28 certification;

1 NOW, THEREFORE, Plaintiffs and Defendant, through their respective undersigned
2 counsel, stipulate and request that the Court approve the revised deadline to participate in an ENE
3 Conference until after the Court issues an Order regarding Plaintiffs' request for class certification.
4

5 **IT IS SO STIPULATED.**

6 Dated: April 23, 2010
7

8 /s/ Marlene Muraco
9 MARLENE MURACO
10 LITTLER MENDELSON
11 A Professional Corporation
12 Attorneys for Defendant
13 WAL-MART STORES, INC.

14 Dated: April 23, 2010
15

16 /s/ Matthew Righetti
17 MATTHEW RIGHETTI
18 RIGHETTI LAW FIRM
19 Attorneys for Plaintiffs
20 NISHA BROWN and KATHY
21 WILLIAMSON

22 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**
23

24 Dated: May 4, 2010
25

26 James Ware
27 Hon. James Ware
28 United States District Court Judge