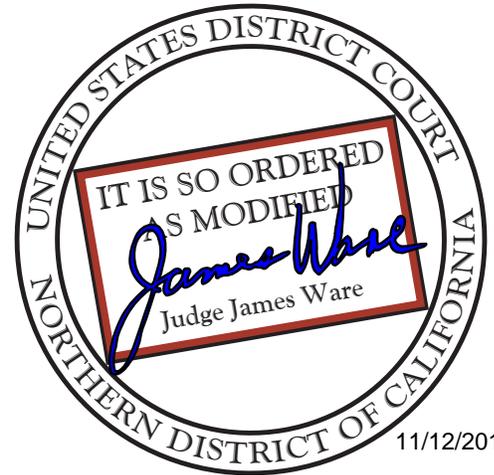


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 WAL-MART STORES, INC.



11/12/2010

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

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

14 Plaintiffs,

15 v.

16 WAL-MART STORES, INC., and DOES
 17 1-50, inclusive,

18 Defendants.

Case No. C09-03339-JW

**STIPULATION AND [PROPOSED]
 ORDER MODIFYING SCHEDULING
 ORDER DATED JANUARY 18, 2010 IN
 LIGHT OF COURT'S MAY 5, 2010
 ORDER STAYING DISCOVERY**

19
 20 Pursuant to Civil Local Rule 7-12, Plaintiffs NISHA BROWN and KATHY
 21 WILLIAMSON (“Plaintiffs”), and Defendant WAL-MART STORES, INC. (“Defendant”), by and
 22 through their counsel, make the following stipulated request to modify the Scheduling Order dated
 23 January 18, 2010:

24 WHEREAS, on January 28, 2010, the Court issued a Scheduling Order. (Docket
 25 No. 15).

26 WHEREAS, on May 5, 2010, in response to Defendant’s request to shorten time for
 27 its Motion for Judgment on The Pleadings, or in the Alternative Request for Stay, the Court issued
 28 an Order Denying Defendant’s Motion to Change Time and Staying Action Pending Disposition of

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STIPULATION AND [PROPOSED] ORDER MODIFYING SCHEDULING ORDER

1 Defendant's Motion for Judgment on the Pleadings. (Docket No. 41). Pursuant to the Order,
2 discovery in this case was stayed, including a then-pending discovery motion before Magistrate
3 Trumbull, until the Court had an opportunity to evaluate the merits of Defendant's Motion for
4 Judgment on the Pleadings. (*Id.* at 2:2-2.)

5 WHEREAS, on October 19, 2010, the Court issued an Order Denying Defendant's
6 Motion for Judgment on the Pleadings; Denying Defendant's Motion for Stay. (Docket No. 52).

7 WHEREAS, pursuant to the Court's May 5, 2010 Order, the Parties were prohibited
8 from conducting discovery in this matter between May 5, 2010 and October 19, 2010 and the parties
9 have still not received an order from Magistrate Trumbull on the discovery motion that was pending
10 at the time the Court issued the stay.

11 WHEREAS, the Scheduling Order dated January 28, 2010 provides for case
12 deadlines that the Parties in good faith believe will not allow them to appropriately prepare their
13 respective cases for class certification, dispositive motions and trial.

14 NOW, THEREFORE, the Parties stipulate and respectfully request that the
15 January 28, 2010 Scheduling Order be modified to allow for an extension of time for various case
16 deadlines in light of the previous discovery stay. The Parties, therefore, propose the following dates:

18 Disclosure of Expert Witnesses (limited to class certification issues)	March 21, 2011
19 Disclosure of Rebuttal Expert Witnesses	April 22, 2011
20 Deadline for Filing Motion for Class Certification	May 23, 2011
21 Deadline for Filing Opposition to Motion for Class Certification	June 6, 2011
22 Deadline for Filing Reply to Motion for Class Certification	June 13, 2011
23 Hearing on Motion for Class Certification at 9:00 a.m.	June 27, 2011
24 Further Case Management Conference to Discuss Post Certification Events, and Trial Scheduling at 11:00 a.m.	August 29, 2011

26 **The Court will set a further Case Management Conference in its Order addressing**
27 **Class Certification.**

1 With regard to previous time modifications in this case; the Court previously continued the
2 Initial Case Management Conference from January 11, 2010 to February 1, 2010, and entered the
3 Order staying discovery on May 5, 2010. The Court also continued the deadline for the parties to
4 participate in an ENE Conference until after the Court issues an Order regarding Plaintiffs' request
5 for class certification (Docket No. 39). There have been no other time modifications in this case.

6 **SO STIPULATED.**

7 Dated: November 10, 2010

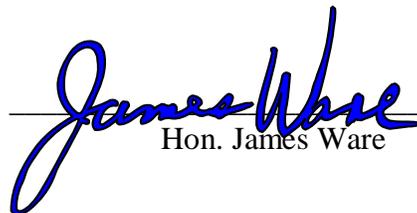
9 /s/ Marlene Muraco
10 MARLENE MURACO
11 LITTLER MENDELSON
12 A Professional Corporation
Attorneys for Defendant
WAL-MART STORES, INC.

13 Dated: November 10, 2010

14 /s/ Matthew Righetti
15 MATTHEW RIGHETTI
16 RIGHETTI LAW FIRM
17 Attorneys for Plaintiffs
NISHA BROWN and KATHY
WILLIAMSON

18
19
20 **PURSUANT TO STIPULATION, IT IS SO ORDERED: AS MODIFIED**

21
22 Dated: November 12, 2010

23 
24 Hon. James Ware