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7 Attorneys for Defendant
 Wal-Mart Stores, Inc.
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9 UNITED STATES DISTRICT COURT
 10 NORTHERN DISTRICT OF CALIFORNIA
 11 SAN JOSE DIVISION
 12

13 NISHA BROWN and KATHY WILLIAMSON,
 14 individually and on behalf of all others similarly
 15 situated,
 16 Plaintiffs,
 17 v.
 18 WAL-MART STORES, INC., and DOES 1-50,
 19 inclusive,
 20 Defendants.

CASE NO. 5:09-CV-03339-EJD
 21
 22 STIPULATION AND ~~PROPOSED~~ ORDER
 TO CONTINUE THE PRELIMINARY
 PRETRIAL CONFERENCE
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 24 Preliminary Pretrial Conference:
 Date: September 9, 2011
 Time: 10:00 a.m.
 Judge: Edward J. Davila
 Courtroom 1-5th Floor
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STIPULATION

Plaintiffs, Nisha Brown and Kathy Williamson, by and through their attorneys of record, and Defendant, Wal-Mart Stores, Inc., through its attorneys of record, pursuant to Local Rule 66-144(e), hereby stipulate as follows:

RECITALS

1. Counsel for the parties have telephonically conferred for purposes of attempting to generate a Joint Preliminary Pretrial Conference Statement.
2. At present, the hearing on the motion for class certification is set for 9:00 A.M. on September 9, 2011, an hour before the pre-trial scheduling conference.
3. Defendant opposes certification and timely filed its opposition.
4. Plaintiff's reply is not yet due to be filed but Plaintiffs' counsel reports it will be filed on Friday, August 26, 2011.
5. Pursuant to the Court's May 5, 2011, order, the Joint Preliminary Pretrial Conference Statement is due Tuesday August 30, 2011; well before the court will rule on the class certification motion.
6. The Court's ruling on the certification question is material to the parties' assessment of what work remains to be done, how the case will proceed, appropriate discovery and law and motion cut-off dates and expert disclosure and discovery. All of those components and the court's ruling on certification are, in turn, material to selection of a trial date and estimates of how long the trial will last.
7. Although counsel for the parties have discussed the issues in good faith, the one thing they can agree on is that attempting to schedule the case and hence generate the Joint Preliminary Pretrial Conference Statement without benefit of the court's ruling on certification is unwieldy and unlikely to result in a document the court will ultimately find useful.
8. The parties therefore jointly request that the Preliminary Pretrial Conference date be vacated and reset to occur at least 30 days after issuance of the court's ruling on the certification motion.

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1 ACCORDINGLY, IT IS HEREBY STIPULATED THAT:

2 The Court's May 5, 2011, Order be amended such that: (1) The Preliminary Pretrial Conference,
3 currently scheduled for September 9, 2011, will be continued until such time as the Court has issue a
4 ruling on Plaintiff's Motion for Class Certification; and (2) the Joint Preliminary Pretrial Statement shall
5 be filed ten calendar days prior to the hearing.

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7 Dated: August 25, 2011

GREENBERG TRAURIG, LLP

8
9 By: /s/James M. Nelson

10 James M. Nelson
11 Amber Jene Sayle
12 Nancy J. Doig
Attorneys for Defendant
Wal-Mart Stores, Inc.

13 Dated: August 25, 2011

MCINERNEY & JONES

14
15 By: 

16 Charles A. Jones
17 Attorneys for Plaintiffs
Nisha Brown and Kathy Williams, et al.

18 ~~PROPOSED~~ ORDER

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20 The Preliminary Pretrial Conference currently scheduled for September 9, 2011, is hereby
21 VACATED. The court will reschedule the conference in its order on Plaintiff's Motion for Class
22 Certification.

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24 Dated: August 29, 2011

25 
26 District Court Judge Edward J. Davila