

E-Filed 1/12/12

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15 **IN THE UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**
 17 **SAN JOSE DIVISION**

18 DAVID BABA and RAY RITZ,
 19 individually and on behalf of all others similarly
 situated,

20 PLAINTIFFS,

21 -vs-

22 HEWLETT PACKARD COMPANY,
 23 DEFENDANT.

CASE NO: C 09 5946-RS-HRL

**STIPULATION REGARDING
 ENLARGMENT OF TIME
 RELATED TO PLAINTIFFS'
 ANTICIPATED MOTION FOR
 CLASS CERTIFICATION**

1 Through this Stipulated Request and [Proposed] Order, Plaintiffs David Baba and Ray
2 Ritz (“Plaintiffs”) and Defendant Hewlett-Packard Company (“HP”) stipulate and agree to
3 continue the hearing on Plaintiffs’ anticipated motion for class certification and to extend the
4 schedule for the related briefing as set forth below, and jointly request that the Court approve this
5 extension pursuant to L.R. 6-2.

6 WHEREAS, during the Case Management Conference held on August 11, 2011, the
7 parties proposed a hearing date of May 10, 2012 for Plaintiffs’ anticipated motion for class
8 certification;

9 WHEREAS, at that conference, the Court further requested that the parties submit an
10 agreed upon briefing schedule for Plaintiffs’ anticipated motion for class certification;

11 WHEREAS, on August 18, 2011, the parties submitted the following stipulated briefing
12 schedule for Plaintiffs’ anticipated motion for class certification:

13 **Case Schedule**

14 Deadline for filing of anticipated class 15 certification motion	February 8, 2012
16 HP’s opposition to class certification due	March 22, 2012
17 Plaintiffs’ reply in support of class certification 18 due	April 19, 2012

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20 WHEREAS, since that time, the parties have engaged, and continue to engage, in formal
21 discovery regarding Plaintiffs’ claims and anticipated motion for class certification;

22 WHEREAS, two discovery disputes have been presented to the Court and remain
23 pending;

24 WHEREAS, the parties negotiated in good faith over the form of a Stipulated Protective
25 Order governing the production of sensitive confidential and highly confidential information in
26 this matter;

1 WHEREAS, after the parties reached an impasse in those negotiations, Plaintiffs filed a
2 Motion for Protective Order on August 5, 2011;

3 WHEREAS, HP filed its response to Plaintiffs' motion on August 19, 2011;

4 WHEREAS, an order resolving that motion has yet to issue;

5 WHEREAS, in the interim, HP has produced documents that may be subject to the
6 protective order, and Plaintiffs have agreed that those documents will not be disclosed to anyone
7 other than counsel;

8 WHEREAS, in order to conduct depositions prior to filing the anticipated motion for
9 class certification, Plaintiffs anticipate the need to consult with an expert regarding the evidence
10 produced thus far, and thus the need for that expert to review confidential documents;

11 WHEREAS, Plaintiffs are unable to do so until a ruling is received on the pending
12 Motion for Protective Order;

13 WHEREAS, the parties also submitted a Joint Discovery Dispute on September 27, 2011
14 regarding the production of materials identifying potential putative class members that remains
15 pending;

16 WHEREAS, Plaintiffs anticipate that this information may be necessary to enable them
17 to obtain evidence relevant to their anticipated motion for class certification and, therefore,
18 sought HP's agreement to extend the briefing schedule and hearing for Plaintiffs' anticipated
19 motion for class certification;

20 WHEREAS, HP does not oppose Plaintiffs' request for an extension;

21 WHEREAS, the parties have neither agreed to nor sought a prior extension of time on the
22 class certification briefing schedule or continuance of the hearing date;

23 ACCORDINGLY, pursuant to Civil Local Rules 6-2 and 7-12, the parties hereby
24 stipulate to, and request the Court's approval of, the following extended class certification
25 briefing schedule:
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1 **Case Schedule**

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Deadline for filing of anticipated class certification motion	April 6, 2012
HP's opposition to class certification due	May 21, 2012
Plaintiffs' reply in support of class certification due	June 18, 2012
Hearing on anticipated motion for class certification	To be determined by the Court July 5, 2012 at 1:30 p.m.

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8 Dated: January 11, 2012

Respectfully submitted,

9 /s/ Barbara Quinn Smith
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11 Thomas K. Caldwell (Indiana Bar 16001-49)
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 1/11/12



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE