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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

**SECOND STIPULATION
 REGARDING ENLARGEMENT
 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**

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15 Deadline for filing of anticipated class certification motion	February 8, 2012
16 HP’s opposition to class certification due	March 22, 2012
17 Plaintiffs’ reply in support of class certification 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, the parties previously sought, and were granted a 60 day extension of the
23 original schedule to allow them time to resolve discovery disputes.

24 WHEREAS, on March 13, 2012, Defendants noticed Named Plaintiffs for deposition;

25 WHEREAS, Defendant desires to examine each Named Plaintiff’s computer before
26 conducting the depositions;

1 WHEREAS, Plaintiffs' and Plaintiff's counsel's schedules do not allow for all of those
2 events to take place prior to April 6, 2012;

3 WHEREAS, Plaintiffs desire to have the depositions completed prior to moving for class
4 certification;

5 WHEREAS, HP does not oppose Plaintiffs' request for an extension, provided that
6 Plaintiffs agree not to serve additional discovery prior to moving for class certification and
7 Plaintiffs have agreed not to serve additional discovery prior to moving for class certification;

8 ACCORDINGLY, pursuant to Civil Local Rules 6-2 and 7-12, the parties hereby
9 stipulate to, and request the Court's approval of, the following extended class certification
10 briefing schedule:

11
12 **Case Schedule**

13 Deadline for filing of anticipated class certification motion	May 4, 2012
14 HP's opposition to class certification due	June 22, 2012
15 Plaintiffs' reply in support of class certification due	July 20, 2012
16 Hearing on anticipated motion for class certification	To be determined by the Court August 2, 2012

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19 Dated: March 23, 2012

20 Respectfully submitted,
21 /s/ Barbara Quinn Smith
Barbara Quinn Smith (Ohio Bar 0055328)
22 Thomas K. Caldwell (Indiana Bar 16001-49)
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By: /s/ Kristofor T. Henning
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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 3/26/12



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE