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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,  
 individually and on behalf of all others similarly  
 19 situated,

20 PLAINTIFFS,

21 -vs-

22 HEWLETT PACKARD COMPANY,  
 23 DEFENDANT.

CASE NO: C 09 5946-RS-HRL

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

MODIFIED BY THE COURT

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 by 45 days, 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 Deadline for filing of anticipated class 14 certification motion	February 8, 2012
15 HP’s opposition to class certification due	March 22, 2012
16 Plaintiffs’ reply in support of class certification 17 due	April 19, 2012

18 WHEREAS, the Parties previously sought, and were granted a 60 day extension of the  
19 original schedule to allow them time to resolve discovery disputes and the following schedule  
20 was entered:

21 Deadline for filing of anticipated class 22 certification motion	April 6, 2012
23 HP’s opposition to class certification due	May 21, 2012
24 Plaintiffs’ reply in support of class certification 25 due	June 18, 2012

1 WHEREAS, the Parties previously sought, and were granted another extension in order  
2 for Defendant to examine each of Named Plaintiffs' computers and conduct their depositions  
3 before Plaintiffs Motion for Class Certification was filed;

4 Deadline for filing of anticipated class certification motion	May 4, 2012
5 HP's opposition to class certification due	June 22, 2012
6 Plaintiffs' reply in support of class certification due	July 20, 2012

8  
9 WHEREAS, Plaintiff filed a Motion to Amend the Complaint on April 11, 2012, which  
10 seeks to substitute Tina Baba for her husband, David Baba, as Named Plaintiff and add Jon  
11 Taylor, an Ohio resident, as an additional Named Plaintiff. Plaintiffs' also seek to reassert  
12 violations of California's Unfair Competition Law.

13 WHEREAS, Plaintiffs anticipate Defendant will file a Motion to Dismiss the Amended  
14 Complaint if Plaintiffs' Motion to Amend the Complaint is granted.

15 WHEREAS, this proposed extension will allow the Court to rule on Plaintiffs' Motion to  
16 Amend the Complaint and rule on Defendant's anticipated Motion to Dismiss.

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

20 ACCORDINGLY, pursuant to Civil Local Rules 6-2 and 7-12, the Parties hereby  
21 stipulate to, and request the Court's approval of, a 45 day extension of the class certification  
22 briefing schedule:

23 Deadline for filing of anticipated class certification motion	June 18, 2012
24 HP's opposition to class certification due	August 6, 2012
25 Plaintiffs' reply in support of class certification due	September 3, 2012
26 Hearing on anticipated motion for class certification	<del>To be determined by the Court</del> September 20, 2012

1 Dated: April 26, 2012

Respectfully submitted,

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

Dated: 4/26/12

  
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RICHARD SEEBORG  
UNITED STATES DISTRICT JUDGE