

DUN & MARTINEK, LLP  
DAVID E. MARTINEK (Bar No. 107503)  
RANDALL H. DAVIS (Bar No. 178404)  
2313 I Street  
P.O. Box 1266  
Eureka, CA 95501-4244  
Telephone: (707) 442-3791  
Facsimile: (707) 442-9251

DOWNEY BRAND LLP  
WILLIAM R. WARNE (Bar No. 141280)  
MEGHAN M. BAKER (Bar No. 243765)  
MICHAEL A. SCHAPS (Bar. No. 247423)  
621 Capitol Mall, 18th Floor  
Sacramento, CA 95814-4731  
Telephone: (916) 444-1000  
Facsimile: (916) 444-2100  
bwarne@downeybrand.com  
mbaker@downeybrand.com

Attorneys for Defendant  
SIERRA PACIFIC WINDOWS, a division of  
SIERRA PACIFIC INDUSTRIES, a California  
corporation

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARTIN F. ROONEY, individually and  
on behalf of all others similarly situated,

Plaintiff,

v.

SIERRA PACIFIC WINDOWS, a division  
of SIERRA PACIFIC INDUSTRIES, a  
California corporation,

Defendant.

Case No. C10-00905 LHK

**STIPULATION AND ~~PROPOSED~~ ORDER  
CONTINUING BRIEFING AND HEARING  
ON MOTION FOR CLASS  
CERTIFICATION**

WHEREAS, on August 8, 2011, the Court issued an order giving Sierra Pacific until  
September 15 to file a supplemental opposition to Plaintiff's pending motion for class  
certification. (Doc. No. 79);

WHEREAS, the Court's order presupposes that the Court would have issued orders on the

1 pending motion for judgment on the pleadings and motion to amend before September 15, and the  
2 Court has not yet done so. Specifically, the order states that “[t]he Court finds that in this case  
3 Plaintiffs’ motion for leave to amend and Defendant’s motion for judgment on the pleadings are  
4 threshold matters that need to be decided before any motion for class certification can be  
5 decided,” and it states that Sierra Pacific may “respond to any order the Court issues on Plaintiffs’  
6 motion for leave to amend and Defendant’s motion for judgment on the pleadings . . .” in its  
7 supplemental opposition to class certification;

8 WHEREAS, the Court has not yet issued these orders, and Sierra Pacific therefore would  
9 be unable to respond to them in any brief filed tomorrow; and

10 WHEREAS, Plaintiff is still in the process of coordinating with proposed class  
11 representatives Sasser and Cox to determine whether any additional relevant and responsive  
12 documents exist, and because Sierra Pacific contends such documents, if they exist, would bear  
13 on the pending motion for class certification; and

14 WHEREAS, Plaintiff’s lead counsel will be in Europe celebrating his 25th wedding  
15 anniversary from October 10 through 26, 2011,

16 THEREFORE, the parties hereby agree and stipulate, and respectfully request, that Sierra  
17 Pacific’s supplemental brief in opposition to class certification shall be due 14 days after this  
18 Court issues orders on the pending motions to amend and for judgment on the pleadings;  
19 Plaintiff’s supplemental brief in reply shall be due seven days thereafter; and the hearing on the  
20 pending motion for class certification shall be set for the Court’s first available hearing date after  
21 briefing is complete; provided that the briefing and hearing schedule shall be adjusted to  
22 accommodate Plaintiff’s counsel’s unavailability.

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1 DATED: September 14, 2011

DOWNEY BRAND LLP

2  
3 By: /s/ Michael A. Schaps  
4 MICHAEL A. SCHAPS  
5 Attorney for Defendant  
6 SIERRA PACIFIC WINDOWS, a division of  
7 SIERRA PACIFIC INDUSTRIES, a California  
8 corporation  
9  
10

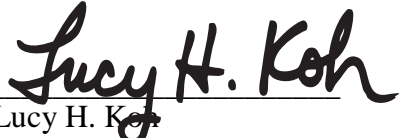
11 DATED: September 14, 2011

PINNACLE LAW GROUP, LLP

12  
13 By: /s/ Kevin F. Rooney  
14 KEVIN F. ROONEY  
15 Attorney for Plaintiff  
16 MARTIN F. ROONEY, individually and on  
17 behalf of all others similarly situated  
18

19 PURSUANT TO STIPULATION, IT IS SO ORDERED.

20 Dated: September 14, 2011

21   
22 Lucy H. Koh  
23 United States District Judge  
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