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Counsel for Plaintiffs

14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**
 16 **SAN JOSE DIVISION**

17 MELISSA FERRINGTON and CHERYL
 SCHMIDT, individually and on behalf of
 18 the class they represent,

19 Plaintiffs,

20 v.

21 MCAFEE INC., a Delaware Corporation,

22 Defendant.

NO. 5:10-cv-01455

**STIPULATION AND [PROPOSED]
 ORDER REGARDING FILING OF
 SECOND AMENDED COMPLAINT**

Local Rules 7-1(a)(5) and 7-12

23
 24 Plaintiffs Melissa Ferrington and Cheryl Schmidt (“Plaintiffs”) and Defendant McAfee,
 25 Inc. (“McAfee”), by and through their counsel, subject to the Court’s approval, STIPULATE AS
 26 FOLLOWS:

27 WHEREAS, under the revised scheduling order, entered by this Court on May 23, 2012,

28

NO. 5:10-CV-01455 LHK: STIP. &
 [PROPOSED] ORDER RE: SECOND AM.
 COMPL.

1 the deadline to amend the pleadings is June 8, 2012 and fact discovery closes on November 2,
2 2012;

3 WHEREAS, Plaintiffs seek to amend the Complaint in three respects: first, to add two
4 new plaintiffs; second, to add new allegations supporting Plaintiffs' amended CLRA claims;
5 third, to add two new causes of action – breach of contract and good faith and fair and additional
6 factual allegations supporting them;

7 WHEREAS, Plaintiffs and McAfee agree that McAfee reserves the right to challenge the
8 Second Amended Complaint via a motion to dismiss or otherwise;

9 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED BY AND
10 BETWEEN THE PARTIES that, subject to the Court's approval:

11 Plaintiffs may file a Second Amended Complaint. McAfee's right to challenge the
12 Second Amended Complaint via a motion to dismiss or otherwise is not waived.

13 Dated: June 8, 2012

14 By: /s/ Victoria S. Nugent

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Local Counsel for Plaintiffs
Melissa Ferrington and Cheryl Schmidt

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Dated: June 8, 2012

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[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: June 11, 2012

Lucy H. Koh

Honorable Lucy H. Koh
Judge of the United States District Court