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Counsel for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

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

Plaintiffs,

v.

McAFEE INC., a Delaware Corporation,
 Defendant.

NO. 5:10-cv-01455

STIPULATION AND ~~PROPOSED~~
 ORDER ALLOWING SURREPLY AND
 REBUTTAL BRIEF IN RESPONSE TO
 REQUEST FOR JUDICIAL NOTICE

Local Rule 7-3(d)

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

WHEREAS, McAfee filed a Request for Judicial Notice and a Declaration of Carlos

NO. 5:10-CV-01455: STIP. & ~~PROPOSED~~
 ORDER ALLOWING SURREPLY AND
 REBUTTAL BRIEFS

Ochoa in Support of Defendant's Request for Judicial Notice on June 10, 2010;

WHEREAS, Plaintiffs filed their Opposition to the Request for Judicial Notice on July 29, 2010;

WHEREAS, McAfee filed its Reply and a Supplemental Declaration of Carlos Ochoa on August 26, 2010; and

WHEREAS, Plaintiffs contend that the Supplemental Declaration of Carlos Ochoa raises a number of factual issues that were neither addressed in the Initial Declaration nor in any of Defendant's previously filed papers;

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

On or before September 14, 2010, Plaintiffs may file a three-page Sur-reply which may address only any new facts Plaintiffs contend are presented in the Supplemental Declaration of Carlos Ochoa and McAfee may file a three-page rebuttal on or before September 21, 2010.

Dated: September 14, 2010

By: /s/ Victoria S. Nugent

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Dated: September 14, 2010

By: /s/ Daniel K. Slaughter

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Counsel for Defendant

[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED.

Dated: September 15, 2010



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

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