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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 LHK

**STIPULATION AND [PROPOSED]
 ORDER ADJUSTING SCHEDULING
 ORDER**

as modified by the Court

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

27 WHEREAS, on August 4, 2010, Plaintiffs served their First Set of Requests for

28

NO. 5:10-CV-01455: STIP. & [PROPOSED]
 ORDER ADJUSTING SCHEDULING
 ORDER

1 Production of Documents on Defendant McAfee, Inc;

2 WHEREAS, on September 7, 2010, Defendant McAfee, Inc. responded to Plaintiffs'
3 requests, indicating that it would produce documents responsive to all but one request, subject to
4 certain objections;

5 WHEREAS, during the September 28, 2010 hearing, the Court advised Defendant that the
6 tentative ruling on McAfee's Motion to Dismiss was to deny the motion with respect to the UCL
7 claims and that discovery on those claims would proceed;

8 WHEREAS, the Defendant assured the Court that certain discovery requested by
9 Plaintiffs would be provided in advance of mediation;

10 WHEREAS, the parties have been consulting on at least a weekly basis since October 8,
11 2010 regarding the status of discovery and document production;

12 WHEREAS, the parties have agreed to engage The Honorable Ronald M. Sabraw (Ret.)
13 of JAMS to mediate their dispute;

14 WHEREAS, Judge Sabraw's only available date prior to the case management conference
15 is December 9, 2010;

16 WHEREAS, McAfee has been diligently working on gathering and reviewing documents
17 for discovery and anticipates completing its production by December 8, 2010;

18 WHEREAS, Plaintiffs have requested that the production be completed two weeks in
19 advance of the mediation date;

20 WHEREAS, the next available dates on Judge Sabraw's calendar after December 8 fall in
21 January.

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

24 The parties' deadline for mediation shall be extended to January 22, 2011, and the other
25 dates and deadlines entered by the Court on September 28, 2010, shall be extended by a five-
26 week period, as follows:

27 FURTHER CASE MANAGEMENT CONFERENCE is rescheduled ~~for February 16, 2011 at 2~~
28 ~~p.m.~~ to follow the hearing on Plaintiff's class certification motion.

1 CLASS CERTIFICATION MOTION shall be filed by March 10, 2011 and set for a hearing no
2 later than April 14, 2011, at 1:30 p.m.

3 DEADLINE TO AMEND THE PLEADINGS is June 6, 2011.

4 FACT DISCOVERY CUT-OFF is August 5, 2011.

5 EXPERT DISCOVERY CUT-OFF is September 23, 2011.

6 DISPOSTIVE MOTIONS shall be filed by October 13, 2011, and set for hearing no later than
7 November 17, 2011, at 1:30 p.m.

8
9
10 Dated: November 29, 2010

By: /s/ Victoria S. Nugent

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Dated: November 29, 2010

By: /s/ Daniel K. Slaughter

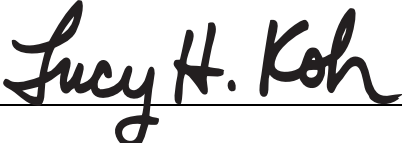
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[PROPOSED] ORDER

PURSUANT TO THE STIPULATION, IT IS SO ORDERED as modified by the Court.

Dated: December 6, 2010



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