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14  
 15 UNITED STATES DISTRICT COURT  
 16 FOR THE NORTHERN DISTRICT OF CALIFORNIA

18 BENTON P. ZWART, M.D., M.P.H. and  
 19 CHRISTOPHER JONES, on behalf of  
 themselves and all others similarly situated,

20 Plaintiffs,

21 v.

22 HEWLETT-PACKARD COMPANY,

23 Defendant.

CASE NO. 10-CV-03992 JF

**STIPULATION AND ~~PROPOSED~~  
 ORDER AUTHORIZING THE FILING OF  
 PLAINTIFFS' FIRST AMENDED CLASS  
 ACTION COMPLAINT AND SETTING  
 DEADLINES**

[Declaration of Samuel Liversidge filed concurrently herewith]

[Fed. R. Civ. P. 15(a)(2)-(3); L.R. 6-2; L.R. 7-12]

The Honorable Jeremy Fogel

1 WHEREAS, Plaintiffs Benton P. Zwart and Christopher Jones filed an amended class action  
2 complaint in this action on October 27, 2010 (the “First Amended Class Action Complaint”);

3 WHEREAS, Plaintiffs mistakenly failed to comply with Federal Rule of Civil Procedure  
4 15(a), which required that they obtain either the written consent of Defendant Hewlett-Packard  
5 Company (“HP”) or the Court’s permission prior to filing their First Amended Class Action  
6 Complaint;

7 WHEREAS, pursuant to Federal Rule of Civil Procedure 15(a)(2), HP now provides its  
8 consent for the filing of Plaintiffs’ First Amended Class Action Complaint;

9 WHEREAS, HP requires additional time to fully and completely investigate and evaluate the  
10 claims and allegations in Plaintiffs’ amended complaint, and therefore the parties agree to the briefing  
11 and hearing schedule set forth below with respect to HP’s response to the First Amended Class  
12 Action Complaint;

13 WHEREAS, the Court has scheduled a case management conference for December 3, 2010;

14 WHEREAS, the parties agree that, for the sake of convenience, the case management  
15 conference should be rescheduled to fall on same date as the Court’s hearing on HP’s anticipated  
16 motion to dismiss;

17 **THEREFORE, IT IS STIPULATED AND AGREED**, by and between Plaintiffs Benton P.  
18 Zwart and Christopher Jones and Defendant HP, through their respective attorneys of record, as  
19 follows:

20 1. HP shall have until **December 6, 2010** to timely file its response to the First Amended  
21 Class Action Complaint, including any motion to dismiss the First Amended Class Action Complaint.

22 2. If HP files a motion to dismiss the First Amended Class Action Complaint, then  
23 Plaintiffs’ opposition to HP’s motion shall be filed on or before **January 13, 2011**.

24 3. HP shall file any reply in support of a motion to dismiss the First Amended Class  
25 Action Complaint on or before **January 27, 2011**.

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1 **ATTESTATION OF CONCURRENCE IN FILING**

2 In accordance with the Northern District of California’s General Order No. 45, Section X.B, I  
3 hereby attest that I have on file all holograph signatures for any signatures indicated by a  
4 “conformed” signature (/s/) within this efiled document.

5 Dated: November 4, 2010

/s/ Samuel Liversidge  
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