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

ERIC BENEDICT,  
Plaintiff,  
v.  
HEWLETT-PACKARD COMPANY,  
Defendant.

Case No. [13-cv-00119-BLF](#)

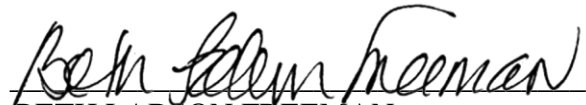
**ORDER RE STIPULATION  
REGARDING MODIFIED SCHEDULE  
FOR BRIEFING ON MOTION TO  
DECERTIFY FLSA COLLECTIVE  
ACTION**

[Re: ECF 410]

The parties have stipulated that “Plaintiffs and Defendant will be able to use testimony obtained through the deposition of Ms. Holiday in support of their Opposition/Reply briefs, respectively.” Because the parties’ stipulation allows for the presence of new materials and possibly new arguments to appear in the Reply, the Court CONSTRUES the stipulation as a waiver of any objections to reply evidence, *see* Civ. L.R. 7-3(d), or any request to file a Sur-Reply on the basis of new evidence or argument appearing in the Reply. With that in mind, the Court APPROVES the agreed briefing schedule.

**IT IS SO ORDERED.**

Dated: May 13, 2016

  
BETH LABSON FREEMAN  
United States District Judge