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14 Attorneys for Plaintiffs

15 IN THE UNITED STATES DISTRICT COURT
16 FOR THE EASTERN DISTRICT OF CALIFORNIA
17 SACRAMENTO DIVISION

18 DIRK REGAN, CAROL REGAN,
19 JACQUELYN SHELDRIK, STEPHEN
20 PHILLIP RUTHERFORD, DONALD M.
21 FISK, AND GLENN L. BOOM, for
22 themselves and on behalf of all others
23 similarly situated,
24 et al.,

25 Plaintiffs,
26 vs.

27 QWEST COMMUNICATIONS
28 INTERNATIONAL, INC., et al.,
29 Defendants.

) Case No. S-01-0766 WBS JFM
) Case No. S-01-0779 WBS JFM

) **JOINT STIPULATION TO**
) **CONTINUE DECEMBER 14, 2009**
) **STATUS CONFERENCE**
) **AND ORDER**

30 DIRK REGAN, CAROL REGAN,
31 JACQUELYN SHELDRIK, and
32 DONALD M. FISK, for themselves
33 and on behalf of all others similarly
34 situated, et al.,

35 Plaintiffs,
36 vs.

37 WILLIAMS COMMUNICATIONS, L.L.C.,
38 et al.,
39 Defendants.

1 COME NOW, Plaintiffs and Defendants and jointly request that the Court continue
2 the December 14, 2009, Status Conference in these matters. In support of said stipulated
3 request, the parties state as follows:

4 1. By Order of this Court dated July 1, 2009 there is a Status Conference in these
5 matters set for December 14, 2009.

6 2. As set forth in Plaintiffs' and Defendants' previous reports to this Court, the
7 parties herein have been seeking final approval of settlements that would dispose of the
8 claims asserted in this action and others. On July 16, 2008, the parties presented a Joint
9 Motion for Preliminary Approval of said settlements to the United States District Court for
10 the District of Massachusetts in the pending matter styled as *Kingsborough v. Sprint*
11 *Communications Company, L.P.*, Case No. 07-CV-10651. On July 18, the *Kingsborough*
12 court issued an Order Preliminarily Approving Class-Action Settlements, Certifying
13 Settlement Classes, and Directing Notice. The Preliminary Approval Order granted
14 preliminary approval to, *inter alia*, a state-wide California class action settlement agreement
15 that, if finally approved by the *Kingsborough* court, would have resolved all the claims
16 asserted by the Plaintiffs in this case. The court scheduled a Fairness Hearing for November
17 17, 2008.

18 3. On August 8, 2008, the Claims Administrator mailed Notice of the settlements
19 to class members. On September 22, 2008, the deadline for requesting exclusion from
20 participation in the settlement expired.

21 4. The *Kingsborough* court held the Fairness Hearing on November 17, 2008.
22 The parties and certain objectors presented argument on the Joint Motion for Final Approval
23 of Class-Action Settlements. The court took the Motion under advisement.
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1 5. On April 28 and April 30, 2009, the Kingsborough court ordered counsel for
2 the plaintiffs and defendants to submit briefing on various settlement issues, and said briefing
3 was filed on May 12, 2009. An objector also filed briefing on May 20, 2009.

4 6. On September 10, 2009, the *Kingsborough* court issued an order dismissing
5 the case for lack of subject matter jurisdiction. On September 24, 2009, Plaintiffs filed a
6 Motion to Alter or Amend Order of Dismissal and Memorandum in Support, under Fed. R.
7 Civ. P. 59(e), seeking certain clarifications and corrections, but not challenging the finding
8 on the issue of subject matter jurisdiction. Counsel representing parties in *Kingsborough*
9 who are not parties to this case have filed motions challenging the September 10, 2009 order,
10 but no further orders have been entered on any pending motions.

11 7. Plaintiffs have discussed with Defendants the possibility of negotiating a new
12 settlement or settlements relating to the claims at issue here. Defendants have expressed a
13 desire to reach a settlement of the claims at issue here (as well as other claims), and the
14 parties have agreed to resume mediation under the guidance of Professor Eric Green of
15 Resolutions, LLC in Boston on Saturday, December 12, 2009.

16 8. In order to allow the parties sufficient time to explore settlement, the parties
17 jointly request that the Court extend the current stay for 60 days and require the filing of a
18 Joint Status Report on or about January 29, 2010.

19 9. At the time this matter was stayed pending developments in connection with
20 the *Kingsborough* matter, Plaintiffs had filed an amended complaint in preparation for filing
21 a new motion for class certification, which plaintiffs believe will address the concerns noted
22 by the Court in denying Plaintiffs' original certification request and related motion for
23 reconsideration. The parties anticipate that if any party concludes sufficient settlement
24 progress is not being made, that party will ask the court – on or before the date of the next
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1 Status Report - to lift the stay, establish deadlines for filing establish a discovery and briefing
2 schedule for that class certification motion.

3 10. The parties are happy to participate in a status conference on December 14, 2009
4 by telephone if a conference would be helpful to the Court at this time.

5 WHEREFORE, the parties jointly request that the Court extend the stay for a period
6 of 60 days and Order a Joint Status Report to be filed on or about January 29, 2010, with
7 leave for any party to request in the interim that the stay be lifted and a scheduling order be
8 entered if sufficient progress toward settlement is not being made.

9
10 **DATED:** December 9, 2009

Respectfully submitted,

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12 **ZELLE HOFMANN VOELBEL
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13 /s/ Dan Millea

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DATED: December 9, 2009

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DATED: December 9, 2009

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/s/ Charles Painter

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ORDER

The Court, having reviewed the parties' stipulation concerning the December 14, 2009 Status Conference, and for the reasons stated therein, finds that the relief requested by the parties should be granted.

IS THEREFORE ORDERED that the December 14, 2009 Status Conference is continued until at February 22, 2010 at 2:00 p.m., and the parties are ordered to file a joint status report no later than 14 calendar days prior to the hearing.

DATED: December 10, 2009



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

PROOF OF SERVICE

**Regan, et al. v. Qwest Communications Intl., et al., Case No. S-01-0766 WBS JFM
And
Regan, et al., v. Williams Companies, et al., Case No. S-01-0779 WBS JFM**

I, Antesha Esteves, certify and declare under penalty of perjury that I: am a citizen of the United States; am over the age of 18 years; am employed by Corr Cronin Michelson Baumgardner & Preece, LLP, at the address indicated, whose members are members of the State Bar of California and at least one of those members is a member of the Bar of each Federal District Court within California; am not a party to or interested in the cause entitled upon the document to which this Proof of Service accompanies; and that on December 11, 2009, I served a true and correct copy of the following document(s) in the manner indicated below:

1. JOINT STIPULATION TO CONTINUE DECEMBER 14, 2009 STATUS CONFERENCE AND PROPOSED ORDER

By USDC Live System-Documents Filing System: on all interested parties registered for e-filing.

By US Mail: by placing the document(s) listed above in a sealed envelope, with first-class postage thereon fully prepaid, and depositing in Minneapolis, Minnesota, in the United States mail on the following parties, addressed as indicated:

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Executed on December 11, 2009, in Seattle, Washington.

s/Antesha Esteves
Antesha Esteves

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