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8 IN THE UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

11 MINERVA ABUBAKAR et al, acting for)
 themselves and other similarly situated,)
 12)
 Plaintiffs,)
 13)
 v.)
 14)
 COUNTY OF SOLANO,)
 15)
 Defendant.)
 16 _____)

Case No. CIV 06-2268 LKK EFB

**STIPULATION AND ORDER MODIFYING
 SCHEDULING ORDER**

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 18 Plaintiffs Minerva Abubakar et al. (hereinafter "Plaintiffs") and Defendant County of
 19 Solano (hereinafter "Defendant") through their respective counsel, respectfully submit the
 20 following stipulation and request:

- 21 1. The Plaintiffs filed their original complaint in this matter on October 12, 2006.
 22 The Plaintiffs filed a First Amended Complaint on April 18, 2007.
 23 2. Expert disclosures are due March 9, 2009. The last day to complete discovery
 24 is May 8, 2009.
 25 3. Parties previously stipulated to modify the scheduling order and extend all
 26 deadlines for six (6) months. This Court approved the Order Modifying Scheduling Order on
 27 August 4, 2008.

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1 4. The parties agree that this dispute involves whether pre-shift and post-shift
2 activities allegedly performed by Plaintiffs are compensable under the Fair Labor Standards Act
3 (hereinafter "FLSA"). The parties additionally agree that this dispute also involves the proper
4 determination of rate of pay used to compute overtime compensation and payments of accrued
5 compensatory time under the FLSA.

6 5. Litigation of the claims alleged in this case has required extensive examination
7 of documents, often stored in multiple, non-compatible electronic and/or paper formats, relating,
8 but not limited to, the calculation and record of plaintiffs' overtime compensation, workplace
9 duties, post assignments, policy and procedures and past practices.

10 6. To date, discovery has required, and continues to require, extensive examination
11 of records, including but not limited to, payroll records, employee time sheet records and Inmate
12 Management System records. Plaintiffs have requested reasonable usable electronic copies of
13 these records in order to facilitate damages calculations, including but not limited to a
14 recalculation of the overtime owed under the regular rate of pay calculation sought by Plaintiffs.
15 Electronic records are needed to prepare these calculations and calculations of alleged off the
16 clock damages based on the number of shifts worked. Defendant is in the process of obtaining
17 electronic versions of these documents to produce to Plaintiffs. Absent production of electronic
18 documents, Plaintiffs will be required to hire accountants to manually input thousands of pages
19 of payroll records into a spread sheet at great expense in order to perform these calculations.

20 7. To date, discovery has required, and will continue to require, extensive
21 depositions of Defendant's representatives, including the "Person Most Knowledgeable"
22 deposition pursuant to Federal Rule of Civil Procedure, Rule 30(b)(6), and additional Lieutenant
23 Watch Commanders of the Claybank and Main Jail facilities of the Solano County Sheriff's
24 Department.

25 8. On or about December 19, 2008, Plaintiffs submitted to Defendants a Proposal
26 for Settlement of the above-titled case.

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1 9. On February 3, 2009, Defendant County of Solano held a Board of Supervisors
2 meeting during which Defendant agreed to proceed to mediation in an attempt to settle the
3 above-titled case.

4 10. Parties have agreed to Hon. Raul A. Ramirez, Federal District Court Judge
5 (Ret.), as mediator.

6 11. Subject to the mediator's schedule, Parties anticipate mediation will commence
7 beginning in March, 2009.

8 12. The parties agree that additional time for preparation of this case is appropriate,
9 given the number and complexity of the issues, the number of parties who have an interest in
10 the case, the individualized damages calculations both as to alleged off the clock work and rate
11 of pay corrections, the logistics of converting electronic documents from custom software to
12 reasonable useable formats, the preparation of expert reports, and the anticipated mediation.

13 13, The parties further agree that modifying the scheduling order is needed to allow
14 additional time to complete mediation and facilitate possible settlement of this case. The
15 requested modification is necessary to allow the parties to avoid costs without prejudicing either
16 party during the pendency of mediation.

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19 NOW THEREFORE, for each of the foregoing reasons, the parties agree and
20 respectfully submit that under the unique circumstances of this collective action case, good
21 cause to modify the Court's Scheduling Order to provide for additional time for the adequate
22 preparation of this case by extending all dates at least 120 days, as follows:

	<u>Old Date</u>	<u>[proposed] New Date</u>
24		
25	Plaintiffs' Expert Witness Disclosure: March 9, 2009	July 7, 2009
26	Expert Witness Rebuttals: March 23, 2009	July 21, 2009
27	Discovery Motion Cut-off: April 8, 2009	August 6, 2009
28	Discovery Completion Date: May 8, 2009	September 4, 2009

