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13 THE TRIZETTO GROUP, INC. and
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15 dba BLUE SHIELD OF CALIFORNIA

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25 Attorneys for Plaintiff
26 KENNETH BRADY

27 UNITED STATES DISTRICT COURT
28 EASTERN DISTRICT OF CALIFORNIA

SACRAMENTO DIVISION

29 KENNETH BRADY, an individual, on
30 behalf of himself others similarly situated,
31 and on behalf of The State of California
32 Labor and Workforce Development
33 Agency as a Private Attorney General,

34 Plaintiff,
35 vs.

36 THE TRIZETTO GROUP, INC., A
37 DELAWARE CORPORATION;
38 CALIFORNIA PHYSICIANS'
39 SERVICE, A CALIFORNIA
40 CORPORATION; and DOES 1 through
41 10, inclusive,

42 Defendants.

43 CASE NO. 2:10-CV-00163-GEB-EFB

44 Hon. Garland E. Burrell, Jr.

45 **JOINT STIPULATION AND
46 ORDER TO CONTINUE THE
47 SCHEDULING CONFERENCE
48 CURRENTLY SET FOR APRIL
49 26, 2010**

50 Date: April 26, 2010
51 Time: 9:00 a.m.
52 Courtroom: 10
53 Judge: Garland E. Burrell, Jr.

54 STIPULATION AND ORDER RE: CONTINUANCE
55 OF SCHEDULING CONFERENCE
56 U.S.D.C., E.D. Cal. 2:10-CV-00163-GEB-EFB

1 WHEREAS, Plaintiff Kenneth Brady (“Plaintiff”) filed a putative FLSA
2 collective action against The TriZetto Group, Inc. and California Physicians’ Service dba
3 Blue Shield of California (“Defendants”). Plaintiff alleges that Defendants misclassified
4 him, and other purported “similarly situated” persons, as exempt from overtime rules and
5 regulations.

6
7 WHEREAS, the parties have engaged in serious settlement discussions and
8 are close to a final agreement to resolve the matter. The parties believe that such
9 discussions at this stage in the proceedings benefit all parties and the Court. The parties
10 presently anticipate that within a month they will be in a position to report to the Court
11 whether they have agreed to a final resolution of this matter.

12
13 WHEREAS, the Court has set a Pretrial/Scheduling Conference for April 26,
14 2010 at 9:00 a.m. Based upon this hearing date, the parties are mindful of their pressing
15 discovery obligations under Federal Rule of Civil Procedure 26.

16
17 Therefore, the parties respectfully request the Court to reschedule the
18 Pretrial/Scheduling Conference and associated FRCP 26 deadlines to a date in early June
19 2010 to enable the parties to focus their efforts to resolve the matter informally, without
20 incurring the additional time and expense involved in the Rule 26 requirements and
21 engaging in formal discovery.

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23 IT IS HEREBY STIPULATED by and among Plaintiff and Defendants,
24 through their respective counsel, that, subject to this Court’s approval:

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26 (1) The Pretrial/Scheduling Conference currently on calendar for
27 April 26, 2010 at 9:00 a.m. shall be rescheduled;

(2) No later than May 14, 2010, the parties will either have filed a Notice of Settlement or a Stipulation for Dismissal of Entire Action with Prejudice, or will be proceeding with formal litigation;

(3) If the parties have not filed either a Notice of Settlement or a Stipulation for Dismissal of Entire Action with Prejudice by May 14, 2010, the Pretrial Scheduling Conference shall be reset to a date at the Court's convenience in June 2010 or later.

IT IS SO STIPULATED.

DATED: April 12, 2010 STEPHEN L. BERRY
DEBORAH S. WEISER
KARIN K. SHERR
PAUL, HASTINGS, JANOFSKY & WALKER LLP

By: /s/ Deborah S. Weiser
DEBORAH S. WEISER

Attorneys for Defendants
THE TRIZETTO GROUP, INC. and
CALIFORNIA PHYSICIANS' SERVICE
dba BLUE SHIELD OF CALIFORNIA

DATED: April 12, 2010 MICHAEL L. TRACY
MEGAN ROSS HUTCHINS
LAW OFFICES OF MICHAEL TRACY

By: _____ /s/ Michael L. Tracy
MICHAEL L. TRACY

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ORDER

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3 Based on the foregoing, IT IS HEREBY ORDERED that the
4 Pretrial/Scheduling Conference set for April 26, 2010 at 9:00 a.m. shall be vacated.

6 IT IS FURTHER ORDERED that no later than May 14, 2010, the parties
7 will have filed either a Notice of Settlement or a Stipulation for Dismissal of Entire
8 Action with Prejudice, or will be proceeding with formal litigation. If the parties will be
9 proceeding with litigation, the Pretrial Scheduling Conference shall be reset to the date of
10 June 28, 2010, at 9:00 a.m. A joint status report is to be filed fourteen days prior to the
11 hearing.

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13 IT IS FURTHER ORDERED that should a Pretrial/Scheduling Conference
14 take place in this case, the Court will then set all filing deadlines, including the class
15 certification briefing schedule.

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17 IT IS SO ORDERED.

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20 Dated: 4/14/10

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GARLAND E. BURRELL, JR.
United States District Judge