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17 Attorneys for Defendant
 UNITED PARCEL SERVICE, INC.

18 UNITED STATES DISTRICT COURT
 19 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 20

21 ERIC BATES, BERT ENOS, BABARANTI
 22 OLOYEDE, ERIC BUMBALA, and EDWARD
 23 WILLIAMS on behalf of themselves, and on
 behalf of all other similarly situated,

24 Plaintiffs

25 v.

26 UNITED PARCEL SERVICE, INC. (d.b.a.
 27 UPS),

28 Defendant.

CASE NO. C-992216 (TEH)

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT AND
 [PROPOSED] ORDER**

Date: December 8, 2008

Time: 1:30 p.m.

Courtroom: 12

Judge: The Honorable Thelton E. Henderson

1 On January 22, 2008, this matter was remanded to this Court from the Ninth Circuit. On
2 January 30, 2008, this Court scheduled a Case Management Conference in the above captioned
3 matter for March 24, 2008, and ordered the parties to submit a joint case management conference
4 statement seven days prior to the Case Management Conference. That case management conference
5 was continued to afford the parties time to explore settlement.

6 On July 21, 2008, the parties submitted a joint case management statement updating the Court
7 on the status of their settlement negotiations. At that time, the Case Management Conference was
8 again continued to afford the parties time to explore settlement.

9 Since the Ninth Circuit's remand order, the parties have engaged in settlement discussions,
10 including a lengthy in-person meeting and a two-day mediation with mediator Tony Piazza. The
11 parties are hopeful of reaching a negotiated resolution of this lawsuit. The parties have made
12 significant progress on key issues, but additional issues remain unresolved. Mediation efforts with
13 Mr. Piazza are continuing as are direct settlement discussions.

14 The parties incorporate by reference the description of the case contained in the July 21, 2008
15 Joint Case Management Conference Statement.

16 Since that submission, the parties' settlement discussions have continued. The parties have
17 agreed on many key terms. Among other things, the parties agreed to involve (Retired) Justice
18 Edward Panelli in seeking to resolve the injunctive relief issue. The remaining issues concern
19 damages, fees, and releases. The parties have agreed to a meeting of counsel in early December to
20 further negotiate the remaining issues and an in-person meeting at which a UPS client representative
21 is expected to be present on Friday, December 19, 2008, for purposes of hopefully finalizing the
22 terms of a settlement agreement. That December 19 meeting will take place simultaneously with a
23 session scheduled with (Retired) Justice Edward Panelli that hopefully will resolve the injunctive
24 relief issue. The parties are hopeful that they will reach a full negotiated resolution of this litigation
25 in the December 19, 2008 meeting.

26 Thus, in order to facilitate the resolution of the above captioned matter, the parties
27 respectfully jointly request that:

28

- 1 • The Case Management Conference scheduled for **December 8, 2008** be taken off
2 calendar.
3 • A new Case Management Conference be set for approximately **(60)** days later (*i.e.*
4 **February 2, 2008**);

5 The parties further agree to the following interim dates:

- 6 • Finalize Settlement Agreement: **December 19, 2008**
7 • Motion for Preliminary Approval Filed: **January 12, 2009**
8 • Hearing on Motion for Preliminary Approval: **February 2, 2009**
9 • New Case Management Conference: If the parties fail to finalize a settlement, the parties
10 will appear for a Case Management Conference **February 2, 2008** and file a Joint Case
11 Management Statement no fewer than **7 (seven)** days prior to that Conference.

12 Respectfully submitted,

13 DATED: December 1, 2008

DISABILITY RIGHTS ADVOCATES
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15 By: s/Laurence W. Paradis
 Laurence W. Paradis

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17 SCHNEIDER WALLACE COTTRELL BRAYTON
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19 *Attorneys for Plaintiffs*

20 DATED: December 1, 2008

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21 MARK A. PERRY
22 RACHEL S. BRASS

23 By: s/Christopher J. Martin
 Christopher J. Martin

24
25 *Attorneys for Defendant*
UNITED PARCEL SERVICE, INC.

26 **IT IS SO ORDERED.**

27 1. The Case Management Conference scheduled for **December 8, 2008** is taken off
28 calendar.

1 2. A new Case Management Conference is scheduled for **February 2, 2009**. The parties
2 shall file a Joint Case Management Conference Statement **7 days** before this new Conference date if
3 the case has not settled.

4 3. If the parties file a Joint Motion for Preliminary Approval of a Settlement Agreement
5 on January 12, 2009, the Court will hold a hearing on the motion on **February 2, 2009**.

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7 DATED: 12/02, 2008

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