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 16 **IN THE UNITED STATES DISTRICT COURT**  
 17 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

18 ERIK ALAN THOMAS, individually and  
 19 on behalf of all others similarly situated and  
 as a Private Attorney General,,  
 20

21 Plaintiff,

22 vs.

23 HOME DEPOT U.S.A., INC., a Delaware  
 Corporation, and DOES 1 through 25,  
 Inclusive,  
 24

25 Defendants.

Case No. 06-02705 SI

**STIPULATION AND [PROPOSED]  
 ORDER CONTINUING FURTHER  
 CASE MANAGEMENT  
 CONFERENCE**

OLD DATE: April 24, 2009  
 NEW DATE: August 14, 2009  
 TIME: 2:30 p.m.  
 CTRM: 10 (19<sup>th</sup> Floor)

1 IT IS HEREBY STIPULATED by and between Plaintiff, Eric Alan Thomas, and Defendant,  
2 Home Depot U.S.A., Inc., through their counsel of record, that the further case management  
3 conference currently set for Friday, April 24, 2009 at 2:30 p.m. shall be continued until Friday, August  
4 14, 2009, at 2:30 p.m., based on the following:

- 5 1. On June 4, 2008, the Court entered an Order staying this action in favor of the *Home*  
6 *Depot Employment Cases*, Judicial Council Coordination Proceeding No. 4384,  
7 pending in the Los Angeles Superior Court. The Court ordered that the parties provide  
8 status reports regarding the Los Angeles litigation every 60 days. The Court has also  
9 set a further case management conference for April 24, 2009, at 2:30 p.m. This April  
10 24 date was chosen because the Plaintiffs' motion for class certification in the *Home*  
11 *Depot Employment Cases* was scheduled to be heard on April 9, 2009. The Court  
12 directed the parties to file a joint status statement one week in advance of the  
13 conference.
- 14 2. The parties in the Home Depot Employment Cases, Judicial Council Coordination  
15 Proceeding No. 4383 pending in the Los Angeles County Superior Court, and several  
16 similar actions, have reached a tentative class settlement that would include the present  
17 action. The Superior Court has taken the hearing on the plaintiffs' motion for class  
18 certification in the *Home Depot Employment Cases* off calendar. The parties'  
19 application for preliminary approval of the settlement is due July 10, 2009, and the  
20 hearing on preliminary approval is scheduled for July 29, 2009.
- 21 3. The parties agree that there will be nothing significant to report to this Court until the  
22 Los Angeles Superior Court conducts the hearing on the preliminary approval of the  
23 proposed settlement. Because this is not scheduled to occur until July 29, 2009 and  
24 because Plaintiff's counsel Jose Mata is unavailable between July 29, 2009 and August  
25 10, 2009, the parties stipulate to continue the further case management conference to  
26 August 14, 2009, at 2:30 p.m.

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1 IT IS SO STIPULATED.

2 Dated: April 15, 2009

BAILEY PINNEY, PC  
JOSE R. MATA  
SUSAN SIMMONS SEEMILLER

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By           /s/                                  
Jose R. Mata  
Attorneys for Plaintiff Erik Thomas

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7 Dated: April 15, 2009

AKIN GUMP STRAUSS HAUER & FELD LLP  
GREGORY W. KNOPP  
GARY M. McLAUGHLIN

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By           /s/                                  
Gary M. McLaughlin  
Attorneys for Defendant Home Depot U.S.A.,  
Inc.

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**ORDER**

IT IS SO ORDERED. The further case management conference shall be continued to Friday, August 14, 2009, at 2:30 p.m. The parties are directed to file a joint status statement one week in advance of the conference.

Dated: April \_\_\_\_, 2009



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HON. SUSAN ILLSTON  
United States District Judge