

1 CATHERINE A. CONWAY (SBN 98366)
 2 GREGORY W. KNOPP (SBN 237615)
 3 AKIN GUMP STRAUSS HAUER & FELD LLP
 2029 Century Park East, Suite 2400
 4 Los Angeles, CA 90067
 Telephone: (310) 229-1000
 5 Facsimile: (310) 229-1001
 cconway@akingump.com
 gknopp@akingump.com

6 JOEL M. COHN (*pro hac vice*)
 WILLIAM F. ALLEN (*pro hac vice*)
 7 AKIN GUMP STRAUSS HAUER & FELD LLP
 1333 New Hampshire Avenue, N.W.
 8 Washington, DC 20036
 Telephone: (202) 887-4000
 9 Facsimile: (202) 887-4288
 jcohn@akingump.com
 10 ballen@akingump.com

11 Attorneys for RGIS, LLC (erroneously sued as
 12 RGIS Inventory Specialists, Inc.)

13 UNITED STATES DISTRICT COURT
 14 NORTHERN DISTRICT OF CALIFORNIA
 15 SAN FRANCISCO DIVISION

18 TRISHA WREN and CYNTHIA
 19 PIPER, et al., individually and on
 behalf of others similarly situated,

20 Plaintiffs,

21 v.

22 RGIS INVENTORY SPECIALISTS,
 23 LLC and DOES 1-25, inclusive,

24 Defendants.

Case No. 3:06-cv-05778 JCS
 Case No. 3:07-cv-00032 JCS

JOINT MEDIATION REPORT AND
 STIPULATION AND [~~PROPOSED~~]
 ORDER RE REVISED CASE
 MANAGEMENT AND PRETRIAL
 ORDER

Date: May 7, 2010
 Time: 1:30 a.m.
 Judge: Hon. Joseph C. Spero

1 I. MEDIATION REPORT

2 On April 22, 2010, the parties participated in a full day of mediation with the
3 Honorable Edward Infante (Ret.). During the mediation, the parties narrowed their
4 differences and agreed to reconvene on May 7, 2010, the next available date on Judge
5 Infante's calendar. Given the progress made during the mediation and in the interest of
6 conserving resources, the parties agreed to delay further the deposition of plaintiffs'
7 expert Dr. Richard Martell until after the next mediation session.¹ As a result, the
8 parties respectfully submit for the Court's consideration a new joint scheduling order.

9 II. PROPOSED JOINT SCHEDULING ORDER

10 WHEREAS the parties have met and conferred regarding modifications to several
11 dates set by the Court in its November 23, 2009 Case Management and Pretrial Order
12 (Dkt. 805) and in the parties' February 10, 2010 stipulation entered by the Court (Dkt.
13 809);

14 WHEREAS the proposed modifications are needed to accommodate the progress
15 the parties have made in mediation and the unforeseen circumstances regarding the
16 availability of plaintiffs' expert Richard Martell;

17 IT IS HEREBY STIPULATED by and between the parties through their counsel
18 of record that the current scheduling order in effect shall be modified as follows:

19
20
21
22
23
24
25
26
27 ¹ Dr. Martell's deposition was originally scheduled for April 16, but was postponed due
28 to an injury suffered by Dr. Martell. The parties have agreed to reschedule Dr. Martell's
deposition on June 14.

Event	Current Date	Proposed New Date
Deadline for completion of expert depositions	Apr. 16, 2010	June 14, 2010 (Dr. Martell only)
Deadline for proposed final joint pre-trial order (exhibits and witness lists)	Apr. 30, 2010	May 28, 2010
Deadline for motions in limine and deposition designations	May 6, 2010	June 14 ⁰¹ , 2010 (except for possible <i>Daubert</i> motion related to Dr. Martell)
Further case management conference and hearing on motion for decertification of Cal. Lab. Code § 226 claim	May 7, 2010	June 25, 2010 @ 9:30 AM
Deadline for jury instructions	May 21, 2010	June 25 ¹⁸ , 2010
File trial briefs on any controlling issues of law, verdict forms (joint or separate), objections to exhibits, proposed voir dire, and objections to deposition designations	May 21, 2010	July 2, 2010
Deadline for oppositions to motions in limine	May 21, 2010	July 2, 2010 June 16, 2010

Event	Current Date	Proposed New Date
Deadline for depositions of seven trial witnesses per side identified in proposed pre-trial order	June 11, 2010	July 2, 2010
Deadline for <i>Daubert</i> motion related to Dr. Martell	N/A	July 2, 2010
Deadline for amendments to final joint pre-trial order relating to Dr. Martell	N/A	July 2, 2010
Deadline to provide official record exhibits and single bench binder set of exhibits	June 15, 2010	July 6, 2010
Pre-trial conference	June 25, 2010	July 29, 2010 @ 9:30 AM July 16, 2010
Deadline for filing deposition designations for seven trial witnesses per side identified in the pre-trial order	June 30, 2010	July 21, 2010
Deadline for filing counter-designations and objections to the deposition designations related to the seven trial witnesses per side	July 9, 2010	July 30, 2010
Final date to arrange dailies or real-time transcript	Aug. 25 ,2010	Unchanged
Jury trial begins	Aug. 30, 2010	Unchanged

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: April 28, 2010

SCHNEIDER WALLACE
COTTRELL BRAYTON
KONECKY LLP

GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN

/s/ David Borgen
David Borgen
Counsel for Plaintiffs

Dated: April 28, 2010

AKIN GUMP STRAUSS
HAUER & FELD LLP
1333 New Hampshire Avenue, NW
Washington, DC 20036

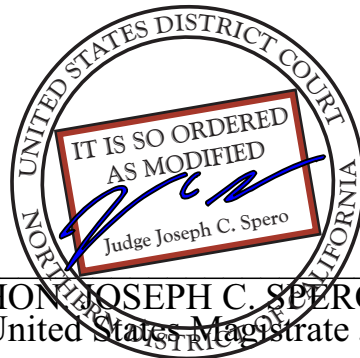
/s/ Joel M. Cohn
Joel M. Cohn
Catherine A. Conway
Gregory W. Knopp
Counsel for Defendants

ORDER

The Court, having reviewed the parties' stipulation and good cause appearing, hereby modifies its Case Management and Pretrial Order consistent with the above referenced dates.

IT IS SO ORDERED.

Dated: April 30, 2010



HON. JOSEPH C. SPERO
United States Magistrate Judge

PROOF OF SERVICE

WASHINGTON, DC

I am employed in Washington, D.C. I am over the age of 18 and not a party to the within action; my business address is: 1333 New Hampshire Avenue, NW, Washington, DC 20036. On February 19, 2010, I served the foregoing document described as: **JOINT MEDIATION REPORT AND STIPULATION AND [PROPOSED] ORDER RE REVISED CASE MANAGEMENT AND PRETRIAL ORDER**

on all interested parties listed on ECF service list

BY PERSONAL SERVICE I delivered such envelope(s) by hand to the offices of the addressee(s).

BY UNITED STATES MAIL I enclosed the documents in a sealed envelope or package addressed to the respective address(es) of the party(ies) stated above and placed the envelope(s) for collection and mailing, following our ordinary business practices. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid at Washington, DC.

BY OVERNIGHT DELIVERY I enclosed the document(s) in an envelope or package provided by an overnight delivery carrier and addressed to the respective address(es) of the party(ies) stated above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

BY FAX (C.C.P. § 1013(a),(e); CRC 2008) by transmitting said document(s) by electronic facsimile at approximately [] at 1333 New Hampshire Avenue, N.W., Washington, D.C. 20036 to the respective facsimile number(s) of the party(ies) as stated on the attached mailing list. The transmission was reported as complete without error. Attached is a true copy of the transmission report which was properly issued by the transmitting facsimile machine.

BY ELECTRONIC MAIL OR ELECTRONIC TRANSMISSION. Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the document(s) to be sent to the respective e-mail address(es) of the party(ies) as stated above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

(STATE) I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on April 27, 2010, at Washington, DC.

Brittany Bremer
[Print Name of Person Executing Proof]


[Signature]