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11 Attorneys for Plaintiff:
 12 KEVIN MARTIN

13 IN THE UNITED STATES DISTRICT COURT
 14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16	KEVIN MARTIN)	Case Number: C 06 6146 CRB
)	
17	Plaintiff,)	STIPULATION AND REQUEST TO VACATE
)	THE DEADLINES SCHEDULED IN THIS
18	v.)	MATTER DUE TO PENDING SETTLEMENT
)	DISCUSSIONS
19	CITY OF RICHMOND)	
)	
20	Defendant.)	
21)	

22
 23 Plaintiff Kevin Martin (“Plaintiff”) and Defendant City of Richmond (“City”) jointly
 24 submit this Stipulation and Request to Vacate the Deadlines Scheduled in this Matter Due to
 25 Pending Settlement Discussions, and hereby STIPULATE AND AGREE AS FOLLOWS:

26 WHEREAS, on June 22, 2009, the Court issued a Case Management and Settlement
 27 Conference Order scheduling deadlines by which the parties must complete discovery, bring
 28 dispositive motions, and stipulate to conditional collective action certification.

1 WHEREAS, on June 22, 2009, the parties entered into a stipulation conditionally
2 certifying this action as a collective action for purposes of discovery and trial. Under the
3 stipulation, the parties agreed that this action should proceed on a representative basis and
4 further agreed to randomly select representative plaintiffs by July 17, 2009.

5 WHEREAS, on July 15, 2009, the parties randomly selected representative plaintiffs for
6 each subgroup identified in Plaintiff's First Amended Complaint.

7 WHEREAS, the stipulation to proceed as a collective action authorizes the City to
8 propound all discovery mechanisms upon each of the 16 representative plaintiffs, and
9 authorizes Plaintiff to depose up to 10 defense witnesses in addition to any expert or 30(b)(6)
10 witnesses designated by the City.

11 WHEREAS, on two separate occasions, the parties have continued, with court approval,
12 the dates set forth in the June 22, 2009 Case Management and Settlement Conference Order.
13 Currently, the parties have until October 23, 2009 to complete discovery and until November
14 20, 2009 to file and serve any dispositive motions. These are the only deadlines currently on
15 calendar.

16 WHEREAS, to date, the parties have completed a significant portion of the discovery
17 contemplated in their conditional collective action certification stipulation. However, due to
18 factors outside of their control (stemming mainly from issues involving witness availability),
19 the parties have been unable to complete all discovery contemplated.

20 WHEREAS, since receiving this Court's order on September 21, 2009, the parties have
21 continued to engage in extensive settlement discussions. Presently, the parties are close to
22 reaching agreement on the terms of the proposed settlement, which would resolve this
23 collective action in its entirety. Accordingly, in light of this progress, the parties wish to vacate
24 the deadlines currently scheduled in this matter in order to focus their efforts on reaching a
25 settlement and avoid incurring unnecessary, additional fees and costs.

26 NOW THEREFORE, THE PARTIES REQUEST AS FOLLOWS:

27 1. That due to the pending settlement, and to allow the parties to avoid incurring
28 further fees and costs in this matter, that the Court vacate the existing deadlines scheduled in

1 this matter for completing discovery and bringing dispositive motions from its calendar.

2 2. That this matter be set for a case management conference on January 8, 2010, by
3 which time the parties expect to have a fully executed settlement agreement to present to the
4 Court for approval. Pending the approval of the plaintiffs, the City Council, and this Court, the
5 parties will also prepare a stipulation seeking to dismiss, with prejudice, this action in its
6 entirety. In the event the parties are not successful in reaching a settlement agreement by
7 January 8, 2010, the parties request that this Court order them to participate in a second
8 settlement conference with Judge Spero in order to mediate any outstanding matters preventing
9 settlement.

10 **IT IS SO STIPULATED.**

11 Dated: October 21, 2009

Respectfully Submitted,
12 **RAINS LUCIA STERN, PC**

13
14 _____ /s/

By: Peter A. Hoffmann
15 Attorneys for Plaintiffs Kevin Martin *et al.*

16
17 Dated: October 21, 2009

Respectfully Submitted,
18 **RENEE SLOAN HOLTZMAN SAKAI, LLP**

19
20 _____ /s/

By: Steven Cikes
21 Attorneys for Defendant City of Richmond

