

1 DANIEL L. FEDER, Bar No. 130867
 2 LAW OFFICES OF DANIEL L. FEDER
 3 807 Montgomery Street
 4 San Francisco, CA 94133
 Telephone: (415) 391-9476
 Fax: (415) 391-9432
 E-mail: danfeder@pacbell.net

5 MICHAEL VON LOEWENFELDT,
 Bar No. 178665
 6 E-mail: mvl@kerrwagstaffe.com
 MICHAEL NG, Bar No. 237915
 7 E-mail: mng@kerrwagstaffe.com
 8 CHERYL LEMA MACKEY (273029)
 E-mail: mackey@kerrwagstaffe.com
 KERR & WAGSTAFFE LLP
 9 100 Spear Street, 18th Floor
 San Francisco, CA 94105
 10 Telephone: (415) 371-8500
 Fax: (415) 371-0500

11 Attorneys for Plaintiffs
 12 ALEX GALVEZ, MARC GARVEY,
 and all others similarly situated

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

16 ALEX GALVEZ, an individual, MARC
 17 GARVEY, an individual, and on behalf of
 all other similarly situated,
 18 Plaintiffs,
 19 v.
 20 FEDERAL EXPRESS INC., a Delaware
 Corporation, and DOES
 21 1-500, inclusive,
 22 Defendants.

SANDRA C. ISOM, Bar No. 157374
 FEDERAL EXPRESS CORPORATION
 3620 Hacks Cross Road
 Building B, Third Floor
 Memphis, TN 38125
 Telephone: 901-434-8526
 Fax No.: 901-434-9271
 E-mail: scisom@fedex.com

Attorneys for Defendant
 FEDERAL EXPRESS CORPORATION

Case No. C 07-02505 TEH EDL

**STIPULATION TO CONTINUE THE JOINT
 CASE MANAGEMENT CONFERENCE AND
~~PROPOSED~~ ORDER THEREON**

CMC: December 5, 2011
 Time: 1:30 p.m.

Trial Date: None Set

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1 Plaintiffs and Defendant file this Stipulation to Continue the Joint Case Management
2 Conference pursuant to Local Rules 7-12 and 16-2(e), based upon the following grounds:

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4 WHEREAS a Case Management Conference is set for December 5, 2011 at 1:30 p.m.

5
6 WHEREAS at the prior Case Management Conference the Court suggested that if nothing
7 has occurred in the *Brinker v. Superior Court* matter, which addresses the substantive law on meal
8 and rest breaks, the parties may file a stipulation to continue the Case Management Conference 60-
9 90 days;

10
11 WHEREAS the California Supreme Court heard oral argument in the *Brinker* case on
12 November 8, 2011. Pursuant to the California Supreme Court's Internal Operating Practices and
13 Procedures No. 10, opinions are generally filed within 90 days after submission. A decision in
14 *Brinker* is thus anticipated in early February 2012. The parties thus desire a short period of time
15 after its anticipated publication to analyze *Brinker* and prepare the Joint Case Management
16 Statement.

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18 THEREFORE, pursuant to Local Rules 7-12 and 16-2(e), the parties stipulate and request
19 as follows:

20 That the Case Management Conference be continued to March 5, 2012, if such date is
21 convenient for the Court, or the first available date thereafter on or after March 19, 2012. The
22 Joint Case Management Conference Statement will be filed seven (7) days before the conference.
23 The parties may appear by telephone for further Case Management Conferences, unless
24 otherwise directed by the Court. Counsel for Defendant shall initial the call and then conference
25 in the Court. If any party desires to make a personal appearance at a Case Management
26 Conference, that party shall notify opposing counsel and the Court's Calendar Clerk/Courtroom
27 Deputy prior to the date of the Case Management Conference.

1 Dated: November 28, 2011

Dated: November 28, 2011

2 FOR PLAINTIFFS:

FOR DEFENDANT:

3 By: /s/Michael Von Loewenfeldt
4 Michael Von Loewenfeldt

By: /s/Sandra C. Isom
Sandra C. Isom

5 MICHAEL VON LOEWENFELDT
6 KERR & WAGSTAFFE LLP

SANDRA C. ISOM
FEDERAL EXPRESS CORPORATION

7 Attorneys for Plaintiffs Alex Galvez,
8 Marc Garvey, and all others similarly situated

Attorneys for Defendant
Federal Express Corporation

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10 **ORDER ON STIPULATION**

11 PURSUANT TO STIPULATION, IT IS SO ORDERED. The Case Management
12 Conference is continued to March 5, 2012, at 1:30 p.m. The Joint Case
13 Management Conference Statement is due seven (7) days before the conference. The parties
14 may appear by telephone for further Case Management Conferences, unless otherwise directed
15 by the Court. Counsel for Defendant shall ~~initiate~~^{initiate} the call and then conference in the Court. If any
16 party desires to make a personal appearance at a Case Management Conference, that party shall
17 notify opposing counsel and the Court's Calendar Clerk/Courtroom Deputy prior to the date of
18 the Case Management Conference.

19
20 SIGNED this 28 day of November, 2011.

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22 _____
United States District Judge
23 HONORABLE THELTON E. HENDERSON