

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 THE EDL

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

CMC: March 5, 2012
 Time: 1:30 p.m.

Trial Date: None Set

23
 24
 25
 26
 27
 28

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:

3
4 WHEREAS a Case Management Conference is set for March 5, 2012 at 1:30 p.m.

5
6 WHEREAS at the prior Case Management Conference on August 1, 2011, the Court
7 suggested that if nothing has occurred in the *Brinker v. Superior Court* matter, which addresses the
8 substantive law on meal and rest breaks, the parties may file a stipulation to continue the Case
9 Management Conference 60-90 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* was thus anticipated in early February 2012 and so the parties suggested March 5, 2012
15 for the next Case Management Conference to allow the parties a short period of time after the
16 anticipated publication of *Brinker* to analyze it and prepare the Joint Case Management
17 Statement. However, on December 14, 2011, the California Supreme Court vacated the
18 submission to allow post-argument briefing and changed the submission date to January 13,
19 2012. A decision is now expected around April 12, 2012.

20
21 THEREFORE, pursuant to Local Rules 7-12 and 16-2(e), the parties stipulate and request
22 as follows:

23 That the Case Management Conference be continued to May 7, 2012, if such date is
24 convenient for the Court, or the first available date thereafter. The Joint Case Management
25 Conference Statement will be filed seven (7) days before the conference. The parties may appear
26 by telephone for further Case Management Conferences, unless otherwise directed by the Court.
27 Counsel for Defendant shall initial the call and then conference in the Court. If any party desires
28 to make a personal appearance at a Case Management Conference, that party shall notify

1 opposing counsel and the Court's Calendar Clerk/Courtroom Deputy prior to the date of the Case
2 Management Conference.

3
4 Dated: February 27, 2012

Dated: February 27, 2012

5 FOR PLAINTIFFS:

FOR DEFENDANT:

6 By: /s/Michael Von Loewenfeldt
Michael Von Loewenfeldt

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

7 MICHAEL VON LOEWENFELDT
8 KERR & WAGSTAFFE LLP

SANDRA C. ISOM
FEDERAL EXPRESS CORPORATION

9 Attorneys for Plaintiffs Alex Galvez,
10 Marc Garvey, and all others similarly situated

Attorneys for Defendant
Federal Express Corporation

11
12 **ORDER ON STIPULATION**

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

21
22 SIGNED this 27 day of February, 2012.

23
24 

25 United States District Judge
26 HONORABLE THELTON E. HENDERSON