

1 Daniel H. Qualls, Bar No. 109036
 Robin G. Workman, Bar No. 145810
 2 **QUALLS & WORKMAN, LLP**
 244 California Street, Suite 410
 3 San Francisco, CA 94111
 Telephone: (415) 782-3660
 4 Facsimile: (415) 788-1028

5 David Sanford, D.C. Bar No. 457933
SANFORD, WITTELS & HEISLER, LLP
 6 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 7 Telephone: (202) 742-7780
 Facsimile: (202) 742-7776

8 Grant Morris, D.C. Bar No. 926253
LAW OFFICES OF GRANT E. MORRIS
 9 1666 Connecticut Avenue, N.W., Suite 310
 Washington, D.C. 20009
 10 Telephone: (202) 742-7783
 Facsimile: (202) 742-7776

11 Attorneys for Plaintiff

12 **SEYFARTH SHAW LLP**
 13 Alfred L. Sanderson, Jr. (SBN 186071)
 Anthony J. Musante (SBN 252097)
 14 400 Capitol Mall, Suite 2350
 Sacramento, California 95814-4428
 15 Telephone: (916) 448-0159
 Facsimile: (916) 558-4839

16 Attorneys for Defendant
 17 **SPHERION ATLANTIC ENTERPRISES, LLC**, sued herein as
 18 **SPHERION PACIFIC WORKFORCE, LLC**

19 UNITED STATES DISTRICT COURT
 20 NORTHERN DISTRICT OF CALIFORNIA

21 VALERIE D. WATSON-SMITH, AND ALL)
 OTHER SIMILARLY SITUATED,)

22 Plaintiff,)

23 v.)

24 SPHERION PACIFIC WORKFORCE, LLC,)
 25 and DOES 1 through 100, inclusive)

26 Defendant.)

Case No. C 07 05774 JSW

**THIRD STIPULATION AND
 [PROPOSED] ORDER TO CONTINUE
 EARLY NEUTRAL EVALUATION
 CONFERENCE**

**(NORTHERN DISTRICT LOCAL
 RULE 5-5)**

27
28 STIPULATION AND [PROPOSED] ORDER TO CONTINUE EARLY NEUTRAL EVALUATION CONFERENCE

1 On February 6, 2008, Judge White referred this matter to Early Neutral Evaluation
2 (“ENE”). The parties (defendant Spherion Atlantic Enterprises, LLC and Plaintiff Valerie
3 Watson-Smith) were initially assigned a deadline of May 8, 2008 to complete the ENE. The
4 parties held a pre-ENE telephone conference with assigned evaluator Sandra McCandless on
5 May 5, 2008. During the pre-ENE telephone conference, the parties and the evaluator discussed
6 the status of this pending action, and the fact that there were ongoing discovery disputes
7 regarding the scope of the putative classes in the action. Evaluator McCandless voiced her
8 concern that proceeding with the ENE at this stage of the litigation may not be beneficial to the
9 parties due to the pending disputes and uncertainty regarding the scope of the putative classes.
10 The parties and Ms. McCandless agreed that it would be more beneficial to continue the deadline
11 for completing the ENE for six additional months so the parties would be in a better position to
12 analyze their respective positions and prepare for the evaluation. Ms. McCandless suggested,
13 and the parties agreed, that the parties should request that the Court continue the deadline for
14 completing the ENE six months. On May 12, 2008, the Court extended the deadline to
15 November 7, 2008.

16 On October 24, 2008, the parties and Ms. McCandless held a second pre-ENE telephone
17 conference. As with the previous conference, the parties and Ms. McCandless agreed that due to
18 the case’s posture, the ENE at this stage of the litigation would not be beneficial to the parties.
19 Specifically, due to the pending Motion to Amend the Pleadings and Motion to Compel currently
20 before the court, the parties and Ms. McCandless agreed that the parties should request that the
21 Court continue the deadline for completing the ENE for four additional months.

22 On February 4, 2009, the parties and Ms. McCandless held a third pre-ENE telephone
23 conference. As with the previous two conferences, the parties and Ms. McCandless agreed that
24 due to the case’s posture, the ENE at this stage of the litigation would not be beneficial to the
25 parties. Once again, due to the pending Motion for Leave to File a Second Amended Complaint
26 currently before the court, the parties and Ms. McCandless agreed that the parties should request
27

1 that the Court continue the deadline for completing the ENE for one month. In fact, the parties
2 and Ms. McCandless have scheduled an ENE for March 24, 2009 at 1:00 p.m.

3 **IT IS STIPULATED AS FOLLOWS:**

4 The deadline for completing the ENE in this matter shall be continued from March 6,
5 2009, to April 6, 2009. The parties have met and conferred and agree that the continuance of the
6 ENE is justified, due to the uncertainty regarding the scope of the putative classes in the case.

7 **IT IS SO STIPULATED.**

8 DATED: February 12, 2009

SEYFARTH SHAW LLP

9
10 By /s/ Alfred L. Sanderson, Jr.
Alfred L. Sanderson Jr.
Anthony J. Musante
11 Attorneys for Defendant SPHERION
ATLANTIC ENTERPRISES, LLC

12
13 DATED: February 12, 2009

QUALLS AND WORKMAN, LLP

14
15 By /s/ Daniel H. Qualls
Daniel H. Qualls
16 Attorney for Plaintiff Valerie Watson-Smith,
and all others similarly situated.

17
18
19 **ORDER**

20 The Stipulation of the Parties is adopted by the Court.

21 **IT IS SO ORDERED.**

22
23 DATED: February 17, 2009

24 
District Judge Jeffrey S. White