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7 Attorneys for Plaintiffs

8 IN THE UNITED STATES DISTRICT COURT,

9 FOR THE

10 NORTHERN DISTRICT OF CALIFORNIA

11 ROSIE BYERS, MICHAEL TORRES, ROBERTO ) Case No. CV 08 1870 SC  
12 ALVAREZ, NICOLASA "CLAUDIA" AREVALO, )  
SONIA ASKEW, WENDY BERG, WILL )  
13 BRENNAN, MILDRED BROWN, LYNN ) **STIPULATION AND (PROPOSED)**  
BUSSEY, JIM CLIFFORD, KERMIT "BUTCH" ) **ORDER RE FILING OF THIRD**  
14 COLE, MARY CORSON, TERESITA COLLADO, ) **AMENDED COMPLAINT AND**  
BARBARA ESCOBAR, MICHAEL FENISON, ) **CONTINUANCE OF CASE**  
15 MARILYN FREEMAN, MELL GARCIA, ) **MANAGEMENT CONFERENCE**  
ANGELA GLASPER, AL GREEN, ROBYNE )  
16 L. HORN, LOVER JOYCE, JUANNA ISAIAH, )  
STANLEY LYLES, DAVID MALLON, GLENDA )  
17 MANNING, DON MARIACHER, MAYA )  
MORRIS, SHIRLEY NELSON, GUADALUPE )  
18 NONATO, DEBBIE ORTEGA, RAISA )  
POLONSKAYA, ELLA RAIFORD, ELOISE )  
19 REESE- BURNS, MICHAEL RIVERA, TENA )  
ROBINSON, CHARLOTTE SCIPIONI, WANDA )  
20 TALTON, LYNN ST. CLAIR-GRETTON, AMY )  
THIGPEN, MARTHA VAZQUEZ, SALLY )  
21 VETSCH, BRENDA WASHINGTON, MARIE )  
WHITE, ANITA WILTZ and GEORGE WONG JR., )  
22 MICKIELA YAGEN, )

23 Plaintiffs,

24 v.

25 SERVICE EMPLOYEES INTERNATIONAL  
UNION, ANDREW L. STERN, MARY KAY  
26 HENRY, THOMAS V. DEBRUIN, ANNA  
BURGER and GERALD HUDSON,

27 Defendants.  
28

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1 This case was originally filed on April 8, 2008, and was transferred to this Courtroom  
2 on July 1, 2008. On October 10, 2008, plaintiffs filed their Second Amended Complaint for  
3 Declaratory and Injunctive Relief (SAC) which, by stipulation, consolidated this case with  
4 another pending case. On October 30, 2008, defendants moved to dismiss this Second  
5 Amended Complaint. That pending motion is scheduled to be heard on January 23, 2009.

6 The defendants allege that since the filing of the Second Amended Complaint, the  
7 defendants have taken actions that the plaintiffs believe warrant further amendments to the  
8 Second Amended Complaint. Without comment on the merits of any allegation, counsel for all  
9 parties are willing to stipulate that the plaintiffs may file a Third Amended Complaint before  
10 this Court hears any motion challenging the merits of the complaint.

11 The Initial Case Management Conference was set for January 23, 2009, with the  
12 parties' joint report due on January 16, 2008. Despite the amendments to the complaint and the  
13 responsive motions, the parties have conducted their initial Rule 26(f) conference and have  
14 served some discovery.

15 Thus, the parties, by and through their counsel, agree and request an Order as follows:

- 16 (1) On or before January 9, 2009, the Plaintiffs will file a Third Amended Complaint.
- 17 (2) The Defendants take the pending motion to dismiss off calendar, without prejudice  
18 to refiling appropriate motions after being served with the Third Amended  
19 Complaint in *Byers*.
- 20 (3) Defendants' motion to dismiss or other responsive pleading to the Third Amended  
21 Complaint will be filed on or before February 13, 2009, and, as applicable, will be  
22 set for hearing on March 20, 2009 at 10 a.m.
- 23 (4) The Case Management Conference previously scheduled for January 23, 2009 in  
24 this Court will be continued to April 17, 2009, at 10:00 a.m., or the next available  
25 date.
- 26 (5) The Rule 26(f) report of the parties shall be due on or before April 10, 2009, or  
27 seven calendar days before the rescheduled Case Management Conference.  
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IT IS SO STIPULATED.

Dated: December 26, 2008

SIEGEL & LEWITTER

By: /s/ Latika Malkani  
Latika Malkani

Attorneys for All Plaintiffs

Dated: December 26, 2008

ROTHNER, SEGALL & GREENSTONE

By: /s/ Glenn Rothner  
Glenn Rothner

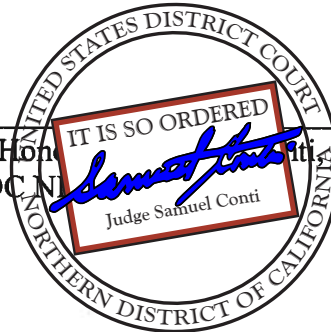
Attorneys for All Defendants

**ORDER**

Pursuant to stipulation, it is so ordered.

Dated: January 6, 2009

The Hon  
USDC N



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