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9 Attorneys for PLAINTIFF
 Robert Navarro

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14 Robert Navarro, on behalf of himself, and on
 15 behalf of others similarly situated, and the
 16 general public,

17 Plaintiffs,
 18 vs.

19 Servisair, a Limited Liability Corporation;
 20 and DOES 1 through 50, Inclusive,

21 Defendants.

Case Number: CV-08-2716-MHP

Assigned to Hon. Marilyn Hall Patel

**STIPULATION AND ~~[PROPOSED]~~
 ORDER TO EXTEND TIME TO
 AMEND PUTATIVE CLASS
 DEFINITION AND RELATED
 DEADLINES**

[CLASS ACTION]

1 IT IS HEREBY STIPULATED by and between the parties hereto, to the
2 above-captioned action, through their respective counsel, that the following may be
3 entered as an Order:

4 1. Plaintiff filed this putative class action and broadly defines the class in
5 his Complaint as: "All current and former employees of Defendants who worked in
6 the State of California at any time from period commencing four years from the
7 filing of this action through the entry of final judgment in this action."

8 2. At the September 8, 2008 Case Management Conference, the Court
9 instructed the parties to confer for the purpose of narrowing the class definition and
10 discovery. Defendant was to provide Plaintiffs counsel with information to assist
11 them with this process, including an exchange of job descriptions and
12 classifications. The Court also asked the parties to work together to identify persons
13 most knowledgeable to depose and other discovery needed. The Court set up the
14 following briefing schedule should the parties not be able to stipulate to an
15 amendment of the class definition:

16 (a) November 10, 2008: Deadline for Plaintiff to file a motion to
17 amend the putative class definition.

18 (b) November 24, 2008: Deadline for Defendant to file an opposition
19 to Plaintiffs motion to amend.

20 (c) December 8, 2008: Deadline for Plaintiff to file a reply brief in
21 support of his motion to amend.

22 (d) January 15, 2009: Hearing on Plaintiffs motion to amend.

23 3. Since the September 8, 2008 conference, the parties have worked
24 diligently together to exchange information.

25 4. On September 12, 2008 the parties conferred telephonically to discuss
26 positions within the proposed class, Defendant's general payroll practices, the effect
27 of collective bargaining agreements, and how to most efficiently conduct discovery
28 aimed at narrowing the class definition, if necessary, Because of the large number of

1 witnesses Defendant identified as persons most knowledgeable, Plaintiff proposed a
2 two-step process. First, Plaintiff would draft written discovery aimed at gathering
3 facts regarding the relevant employment practices relative to meal breaks at each of
4 Defendant's locations and for each job position. Before serving that discovery,
5 Plaintiff would provide the draft discovery to Defendant's counsel for feedback
6 regarding the wording and scope of the requests to resolve potential objections.
7 Second, Plaintiff would review the discovery responses to determine if it was
8 necessary to depose any persons most knowledgeable.

9 5. Plaintiff provided Defendant with draft discovery requests on
10 September 17, 2008. Defendant reviewed the requests and on September 24, 2008,
11 the parties conducted a further meet and confer telephone conference to discuss the
12 discovery requests. Defendant agreed to use its best efforts to respond to the
13 discovery within 21 days.

14 6. The written discovery was edited and served on Defendant on
15 September 26, 2008.

16 7. The parties have continued to communicate regarding Defendant's
17 efforts to respond to the discovery. However, despite Defendant's best efforts, it
18 was not able to respond within 21 days. Because of the number of individuals
19 Defendant represented to Plaintiff it was endeavoring to get information from and
20 then have that information verified, Defendant requested an extension of time to
21 respond.

22 8. Because of Defendant's representation that it has diligently worked to
23 respond to this discovery, Plaintiff has given Defendant an extension of time to
24 respond until November 7, 2008.

25 9. Had Defendant been able to provide responses by October 17, 2008,
26 Plaintiff would have then had 24 days to analyze the responses, conduct depositions
27 if necessary, and meet and confer with Defendant regarding the class definition.

28 10. In order to efficiently continue this process of refining the class

1 definition, the parties have agreed to the following proposed schedule:

2 (a) *December 1, 2008: Deadline for Plaintiff to file a motion to*
3 *amend the putative class definition.*

4 (b) *December 15, 2008: Deadline for Defendant to file an opposition*
5 *to Plaintiff's motion to amend.*


6 (c) *December 29, 2008: Deadline for Plaintiff to file a reply brief in*
7 *support of his motion to amend.*

8 February 2, 2009 at 2:00 p.m.
9 (d) ~~January 29:~~ *Hearing on Plaintiffs motion to amend.*

10 **IT IS SO STIPULATED:**

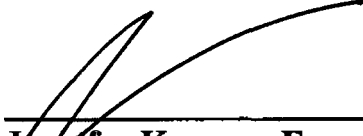
11 **Dated: November 5, 2008**

MORGAN LEWIS & BOCKIUS, LLP

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14 _____
15 **Rebecca Eisen, Esq.**
16 **Jennifer Svanfeldt, Esq.**
17 **Attorneys for Defendants**
18 **SERVISAIR, LLC**

19 **Dated: 11/5/08**

JENNIFER KRAMER LEGAL, APC

20 
21 _____
22 **Jennifer Kramer, Esq.**
23 **Attorneys for Plaintiff**
24 **ROBERT NAVARRO**

25 **IT IS SO ORDERED: AS TO EXTENSIONS AND DATES ONLY.**

26 **Dated: 11/14/2008**

