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14 Attorneys for Plaintiff ANGELITA GOMEZ
 15 And the Proposed Class

16 **UNITED STATES DISTRICT COURT**
 17 **NORTHERN DISTRICT OF CALIFORNIA**

18 ANGELITA GOMEZ, individually and on
 19 behalf of all others similarly situated

20 Plaintiff,

21 vs.

22
 23 PEROT SYSTEMS CORPORATION and
 24 DOES 1-25, inclusive,

25 Defendants.

Case No. CV-08-03337-SC

**STIPULATION AND ~~[PROPOSED]~~
 ORDER REGARDING ADR & CASE
 MANAGEMENT CONFERENCE**

Honorable Samuel Conti

26
 27 Defendant Perot Systems Corporation (“Defendant”) and Plaintiff Angelita Gomez
 28 (“Plaintiff”) (collectively referred to here as “the Parties”) request a continuance of their ADR date

STIPULATION & [PROPOSED] ORDER REGARDING ADR AND CMC CONTINUANCE

Gomez v. Perot Systems Corp., Case No. CV-08-03337-SC

1 and the next Case Management Conference until May 29, 2009. The basis of the request is that the
2 parties need additional time to conduct discovery necessary for mediation.

3 By way of background, this case is a putative class action concerning the alleged failure to
4 compensate employees for time spent while "on call" and allegedly subject to the control of their
5 employer. Since the initial Case Management Conference on November 21, 2008, the parties have
6 through meet and confer agreed to conduct discovery in two phases. Phase I includes the production
7 of company policy documents, technical data, and documents that may bear upon class certification
8 and merits issues. Defendant began the production of these documents and data on February 13,
9 2009. Phase II discovery will include electronic document searches of Defendant's client entities, as
10 well as depositions of Defendant's 30(b)(6) witnesses and the production of wage and payroll data.
11 The parties expect Phase II to be completed by May. The parties agree that both Phase I and Phase II
12 discovery needs to occur to prepare for mediation.

13 Plaintiff suggested that the parties participate in a mediation session on May 8, 2009 before
14 Mark Rudy, Esq. Defendant informed Plaintiffs on February 24, 2009 that it does not believe
15 mediation on this date would be appropriate given its expectation that Phase II discovery will be
16 ongoing. The parties agree to schedule mediation after Phase II discovery is complete.

17 Accordingly, the parties request the Court vacate the ADR deadline and move the Case
18 Management Conference from April 17, 2009, to May 29, 2009 at 10 a.m. in Courtroom 1. The
19 parties believe they will be able to provide the Court with a more meaningful status update by the end
20 of May assuming progress pursuant to the parties' phased discovery agreement.

21 Dated: February 27, 2009

CHAVEZ & GERTLER LLP

SCHNEIDER WALLACE
COTTRELL BRAYTON
KONECKY LLP

LAW OFFICES OF RICARDO DE ROSA

By: 

Christian Schreiber

Attorneys for Plaintiff Angelita Gomez

1 Dated: February 27, 2009

JACKSON LEWIS LLP

2
3 By: 

4 JoAnna L. Brooks
5 Timothy C. Travelstead
6 Anne V. Leinfelder
7 Attorney for Defendant
8 **PEROT SYSTEMS CORP.,**
9 **a Delaware Corporation**

8 **ORDER**

9 Upon review of the foregoing Stipulation and good cause appearing therefore, the Court makes
10 the following ORDERS:

- 11 1. The ADR Deadline is VACATED and will be reset at the next Case Management
- 12 Conference;
- 13 2. The Case Management Conference currently scheduled for April 17, 2009, is
- 14 CONTINUED to May 29, 2009, at 10 a.m. in Courtroom 1. The Parties shall file a joint
- 15 Case Management Conference Statement seven (7) days prior to the status conference.

16
17
18 March 2, 2009

19 Dated: ~~February~~ _____, 2009

20 Samuel Conti
21 United States District Judge

