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 14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA
 16

17 RICHARD HOM, an individual on behalf
 of himself and JUSTIN KELLEY, an
 18 individual on behalf of himself and on
 behalf of all persons similarly situated,

19 Plaintiffs,

20 v.

21 DHL EXPRESS (USA), INC., an Ohio
 22 corporation conducting business in the
 State of California, and DOES 1 through
 23 10,

24 Defendants.

Case No. CV-08-3756 JL

**JOINT CASE MANAGEMENT
 STATEMENT AND ~~PROPOSED~~ ORDER**

Date: March 18, 2009
 Time: 10:30 a.m.
 Judge: James Larson

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As requested by the Court, Plaintiffs Richard Hom and Justin Kelley ("Plaintiffs") and Defendant DHL Express (USA) Inc., ("Defendant") (the "Parties") submit this updated Joint Case Management Statement in preparation for the case management conference to be held on March 18, 2009 at 10:30 a.m. before Judge James Larson.

The parties are currently engaging in informal discovery in the context of settlement negotiations in an attempt to determine whether the scope of the action may be narrowed. Additionally, the parties have tentatively agreed to do initial written discovery and one round of depositions (two named Plaintiffs, and one or two managers) in advance of participating in a private mediation over the next several months.

The parties hereby request that the case management conference set for March 18, 2009 be vacated and re-set in approximately ninety days in the event that mediation is unsuccessful. At that time, the parties will be prepared to set the date for the class certification hearing, if necessary. The Case Management Conference shall be continued to June 17, 2009 at 10:30 a.m.

Dated: March 5, 2009

Laura Hayward
LAURA E. HAYWARD
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
DHL EXPRESS (USA) INC.

Dated: March 5, 2009

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March 11, 2009

