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LAFAYETTE & KUMAGAI LLP
GARY T. LAFAYETTE (State Bar No. 088666)
SUSAN T. KUMAGAI (State Bar No. 127667)
REBECCA K. KIMURA (State Bar No. 220420)
100 Spear Street, Suite 600
San Francisco, California 94105
Telephone: (415) 357-4600
Facsimile: (415) 357-4605

J. SCOTT PAISLEY (State Bar No. 94236)
Associate General Counsel
AT&T Services, Inc.
Legal Department
525 Market Street, 20th Floor
San Francisco, California 94105
Telephone: (415) 778-1213
Facsimile: (415) 882-4458

Attorneys for Defendant
AT&T PENSION BENEFIT PLAN -
NONBARGAINED PROGRAM

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QUILLER BARNES,

Plaintiff,

vs.

AT&T PENSION BENEFIT PLAN -
NONBARGAINED PROGRAM,

Defendant.

Case No. CV 08-04058 MHP

**DEFENDANT AT&T PENSION BENEFIT
PLAN - NONBARGAINED PROGRAM'S
ADMINISTRATIVE MOTION TO
CONTINUE CASE MANAGEMENT
CONFERENCE; DECLARATION OF
REBECCA K. KIMURA IN SUPPORT
THEREOF; [~~PROPOSED~~] ORDER**

DEFENDANT AT&T PENSION BENEFIT PLAN - NONBARGAINED PROGRAM'S ADMINISTRATIVE
MOTION TO CONTINUE CASE MANAGEMENT CONFERENCE; DECLARATION OF REBECCA K.
KIMURA IN SUPPORT THEREOF; [~~PROPOSED~~] ORDER (Case No. CV 08-04058 MHP)

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
100 SPEAR STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
100 SPEAR STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

1 Defendant AT&T PENSION BENEFIT PLAN - NONBARGAINED PROGRAM
2 (“Defendant” or the “Plan”) hereby requests the Court to continue the Case Management
3 Conference currently scheduled for January 24, 2011 at 2:00 p.m. to February 7, 2011 at 2:00
4 p.m. Plaintiff Quiller Barnes ("Plaintiff") does not oppose the motion for continuance.
5 (Declaration of Rebecca K. Kimura, ¶ 2.)

6 Good cause exists for the continuance, because Plaintiff has filed three motions which are
7 scheduled for hearing on February 7, 2011, which may impact the course of the litigation. [Dkt
8 Nos. 189, 192, 199]

9
10 DATED: January 13, 2011

LAFAYETTE & KUMAGAI LLP

11
12 /s/ Rebecca K. Kimura

REBECCA K. KIMURA
Attorneys for Defendant
AT&T PENSION BENEFIT PLAN -
NONBARGAINED PROGRAM

1 **DECLARATION OF REBECCA K. KIMURA**

2 I, REBECCA K. KIMURA, declare as follows:

3 1. I am an attorney with Lafayette & Kumagai LLP, attorneys of record for defendant
4 AT&T Pension Benefit Plan - Nonbargained Program (“Defendant” or the “Plan”.) I make this
5 declaration of my own personal knowledge in support of Defendant’s Administrative Motion to
6 Continue the Case Management Conference. If called as a witness to testify regarding matters
7 stated in this declaration, I could and would competently testify thereto under oath.

8 2. I spoke with Plaintiff’s counsel Michelle Roberts on December 22, 2010, and again
9 on January 5, 2011 to obtain a stipulation to continue the case management conference to February
10 7, 2011, in light of the fact that Plaintiff’s Motion to Amend the Complaint, Motion to Modify the
11 Class Certification Order, and Plaintiff’s Second Motion to Modify the Class Certification Order
12 were scheduled to be heard on February 7, 2011. Ms. Roberts informed me that while Plaintiff
13 would not stipulate to the continuance, he would not oppose the request if Defendant filed an
14 administrative motion to continue the case management conference.

15 I declare under penalty of perjury under the laws of the United States of America that to
16 my knowledge the foregoing is true and correct and that this declaration was executed on January
17 13, 2011, in San Francisco, California.

18 /s/ Rebecca K. Kimura
19 REBECCA K. KIMURA

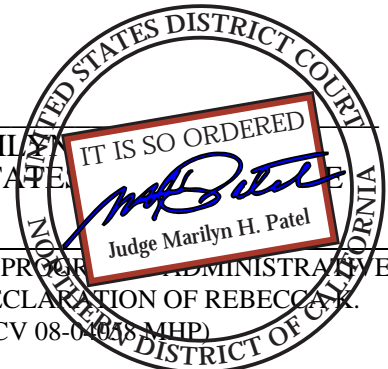
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21
22 **[PROPOSED] ORDER**

23 Good cause appearing and pursuant to stipulation, the case management conference in this
24 action, now set for January 24, 2011 at 2:00 p.m., is continued to February 7, 2011 at 2:00 p.m.

25 IT IS SO ORDERED

26 Dated: 1/18/2011

27 BY: _____
28 HON. MARILYN H. PATEL
UNITED STATES DISTRICT COURT



LAFAYETTE & KUMAGAI LLP
ATTORNEYS AT LAW
100 SPEAR STREET, SUITE 600
SAN FRANCISCO, CALIFORNIA 94105
(415) 357-4600
FAX (415) 357-4605

1 **CERTIFICATE OF SERVICE**

2 I certify that a copy of this document was served electronically on January 13, 2011, on
3 counsel of record in compliance with Federal Rule 5, Local Rule 5.6 and General Order 45, by use
4 of the Court's ECF system.

5
6 /s/ Rebecca K. Kimura
7 REBECCA K. KIMURA
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