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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QUILLER BARNES,

No. C-08-4058 EMC

Plaintiff,

**ORDER RE MEET AND CONFER ON
CLASS NOTICE**

v.

AT&T PENSION BENEFIT PLAN -
NONBARGAINED PROGRAM,

Defendant.

Previously, the Court instructed the parties to brief whether a class notice was required before it could dismiss Counts III (uncertified class claim) and IV (certified class claim).¹ See Docket No. 321 (order). A hearing on this notice issue, as well as a new issue raised by Mr. Barnes, is currently scheduled for hearing on December 21, 2012.


Based on the moving and opposition papers submitted (the reply brief is to be filed on December 6, 2012), it appears that both parties agree that a class notice is appropriate. The parties, however, have some disagreement as to the exact wording of the notice. Based on the Court's preliminary review, those differences do not appear so stark that agreement on the terms of the notice is impossible. Accordingly, the Court hereby orders the parties to further meet and confer in advance of the filing of the reply brief to determine whether they can reach agreement on the terms

¹ Both Mr. Barnes and the Plan stipulated to dismissal of these claims.

1 of the class notice -- at the very least, to narrow the number and/or scope of disagreements.² On
2 December 6 (the day that the reply brief is due), the parties should file a joint letter regarding the
3 results of their meet and confer. A joint proposed class notice should be submitted as an attachment.
4 Where the parties are not able to reach agreement on any particular language, then the joint notice
5 should provide each party's proposed language. (Mr. Barnes' reply brief need not address the class
6 notice issue as the joint letter will already cover the issue.)
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8 IT IS SO ORDERED.

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10 Dated: November 28, 2012

11 
12 EDWARD M. CHEN
13 United States District Judge
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27 ² Substantively, the Court has one preliminary comment on the class notice. For Section 9, it
28 may be advisable to separately address Counts III, IV, and V, particularly Counts III and V were
never certified while Count IV was.