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AT&T PENSION BENEFIT PLAN –

13 NONBARGAINED PROGRAM

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17 **UNITED STATES DISTRICT COURT**

18 **NORTHERN DISTRICT OF CALIFORNIA**

19
20 QUILLER BARNES,

21 Plaintiff,

22 vs.

23 AT&T PENSION BENEFIT PLAN –
24 NONBARGAINED PROGRAM,

25 Defendant.

CASE NO. 08-04058 EMC

**SECOND JOINT STATEMENT,
STIPULATION AND [PROPOSED]
ORDER REGARDING ISSUANCE OF
CLASS NOTICE RE PARTIAL
DISMISSAL OF CLAIMS**

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28 Case No. 08-04058 EMC

2ND JOINT STATEMENT, STIP. &
[PROPOSED] ORDER RE ISSUANCE OF
CLASS NOTICE RE PARTIAL DISMISSAL
OF CLAIMS

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17 AT&T PENSION BENEFIT PLAN –
NONBARGAINED PROGRAM

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Case No. 08-04058 EMC

1 Plaintiff Quiller Barnes and Defendant AT&T Pension Benefit Plan – Nonbargained
2 Program (collectively referred to as the “Parties”), acting through their respective counsel of record,
3 hereby stipulate as follows:

4 WHEREAS, the Court issued the Order Granting in Part and Denying in Part Plaintiff’s
5 Motion re Dismissal of Counts III and IV; Class Notice; and Modification of the Court’s Summary
6 Judgment Order which directed the Parties to issue notice to the Class in the form attached as an
7 exhibit to the Parties’ joint letter of December 19, 2012 (D.E. # 337), to file a statement with the
8 Court indicating whether the Parties have received any notice from a Class Member seeking to
9 intervene on the fifth day after the last day to intervene, and if no evidence of record indicating that
10 intervention is desired, a joint request for an entry of final judgment;

11 WHEREAS, on January 7, 2013, Class Counsel issued the notice to Class Members as set
12 forth in the Joint Statement, Stipulation and [Proposed] Order Regarding Issuance of Class Notice
13 Re Partial Dismissal of Claims (D.E. #341), which the Court signed into order on January 14, 2013
14 (D.E. #343);

15 WHEREAS, on January 11, 2013, Plaintiff filed the Declaration of John W. Fust, IV, wherein
16 he declared that as of the date of his declaration, none of the mailings of the Class Notice were
17 returned as non-deliverable;

18 WHEREAS, based on the Class Notice mailing date of January 7, 2013, the deadline for
19 Class Members to intervene is February 21, 2013;

20 WHEREAS, on February 11, 2013, Class Counsel received notice that the Class Notice was
21 returned as non-deliverable for two Class Members, Lester K. McClain and Robert Wiraatmadja;

22 WHEREAS, Class Counsel obtained updated addresses for those two Class Members and
23 confirmed those addresses with Defendant;

24 WHEREAS, the Parties believe that the Class Notice should be re-issued to these two Class
25 Members and that they should be provided with 45 days from the date of the mailing to intervene;

26 WHEREAS, the Parties propose mailing the Class Notice to these two Class Members with a
27 cover letter informing them that because Class Counsel had to re-issue the Class Notice, their

