1 2 3 4 5	COHEN MILSTEIN SELLERS & TOLL PI R. Joseph Barton (CA State Bar No. 212340) Email: jbarton@cohenmilstein.com Bruce F. Rinaldi (CA State Bar No. 55133) Email: brinaldi@cohenmilstein.com 1100 New York Avenue, N.W. WestTower, STE 500 Washington, DC20005 Telephone: (202) 408-4600	LLC		
6	Facsimile: (202) 408-4699 Attorneys for Plaintiff & the Class			
7 8 9 10	Patrick W. Shea (NY State Bar No. 4587176), <i>Pro Hac Vice</i> Email: patrickshea@paulhastings.com 75 East 55th Street			
12 13	Attorneys for Defendant AT&T PENSION BENEFIT PLAN – NONBARGAINED PROGRAM			
14 15	[Additional counsel listed on next page]			
16 17	UNITED STATES DISTRICT COURT			
18 19	NORTHERN DISTRICT OF CALIFORNIA			
20	QUILLER BARNES,	CASE NO. 08-04058 EMC		
21	Plaintiff,	SECOND JOINT STATEMENT, STIPULATION AND [PR OPOSED]		
22	vs.	ORDER REGARDING ISSUANCE OF CLASS NOTICE RE PARTIAL		
23		DISMISSAL OF CLAIMS		
24 25	Defendant.			
26				
27 28	Case No. 08-04058 EMC	2 ND JOINT STATEMENT, STIP. & [PROPOSED] ORDER RE ISSUANCE OF CLASS NOTICE RE PARTIAL DISMISSAL		

OF CLAIMS

1	SPRINGER-SULLIVAN & ROBERTS LLP Michelle L. Roberts (CA State Bar No. 239092)
2	Email: mlr@ssrlawgroup.com 410 – 12 th Street, Suite 325
3	Oakland, CA94607
4	Telephone: (510) 992-6130 Facsimile: (510) 280-7564
5	Attorneys for Plaintiff QUILLER BARNES
6	QUILLIN DIMINES
7 8 9	PAUL HASTINGS LLP Stephen H. Harris (CA State Bar No. 184608) Email: stephenharris@paulhastings.com M'Alyssa C. Mecenas (CA State Bar No. 272075) Email: malyssamasanas@paulhastings.com
10	Email: malyssamecenas@paulhastings.com 515 South Flower Street, 25th Floor Los Angeles, CA90071
11	Telephone: (213) 683- 6000 Facsimile: (213) 627-0705
12	PAUL HASTINGS LLP
13	Regan A.W. Herald (CA State Bar No. 251879) 875 15th Street, N.W.
14	Washington, DC20005 Telephone: (202) 551- 1700
15	Facsimile: (202) 551-1705 Email: reganherald@paulhastings.com
16	Attorneys for Defendant AT&T PENSION BENEFIT PLAN –
17	NONBARGAINED PROGRAM
18	
19	
20 21	
22	
23	
24	
25	
26	
27	
1	

Case No. 08-04058 EMC

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

28

Plaintiff Quiller Barnes and Defendant AT&T Pension Benefit Plan – Nonbargained

Program (collectively referred to as the "Parties"), acting through their respective counsel of record, hereby stipulate as follows:

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

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

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

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

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

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

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

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

Case No. 08-04058 EMC

1	intervention date has been extended until the date that is 45 days from the mailing of the Class		
2	Notice;		
3	IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES:		
4	(1) Class Counsel shall re-issue the Class Notice to Lester K. McClain and Robert		
5	Wiraatmadja, the two Class Members whose notices were returned as non-deliverable,		
6	with a cover letter informing them of the date of mailing and their deadline to intervene.		
7	(2) Class Members Lester K. McClain and Robert Wiraatmadja shall have 45 days from the		
8	mailing of the re-issued Class Notice to intervene;		
9	(3) Class Counsel will file a declaration that the Notice has been re-issued to Class Members		
10	Lester K. McClain and Robert Wiraatmadja and the date on which the notice was re-		
11	issued.		
12	(4) On or about the fifth court day after Lester McClain and Robert Wiraatmadja's last day to		
13	intervene, the Parties shall file a statement with the Court indicating whether the Parties		
14	have received any notice from a Class Member seeking to intervene, and if no evidence of		
15	record indicating that intervention is desired, that final judgment may be entered.		
16			
17	IT IS SO STIPULATED.		
18	DATED: February 15, 2013 By: /s/ Michelle L. Roberts		
19	MICHELLE L. ROBERTS		
20	Attorneys for Plaintiff Quiller Barnes		
21	DATED: February 15, 2013 By: /s/ Stephen H. Harris STEPHEN H. HARRIS		
22			
23	Attorneys for Defendant AT&T Pension Benefit Plan - NonBargained Program		
24			
25	SIGNATURE ATTESTATION		
26	I, Michelle L. Roberts, hereby attest that concurrence in the filing of the document has been		
27	obtained from the other signatory on this document.		
28	Case No. 08-04058 EMC 2 ND JOINT STATEMENT, STIP. & [PROPOSED] ORDER RE ISSUANCE OF		

1	DATED: February 15, 2013	By: /s/ Michelle L. Roberts
2	2	MICHELLE L. ROBERTS
3	3	
4	PURSUANT TO STIPULATI	ION, IT IS SO ORDERED.
5	(1) Class Counsel shall re-issue ti	the Class Notice to Lester K. McClain and Robert
6	Wiraatmadja, the two Class N	Members whose notices were returned as non-deliverable,
7	with a cover letter informing	g them of the date of mailing and their deadline to intervene.
8	(2) Class Members Lester K. Mc	cClain and Robert Wiraatmadja shall have 45 days from the
9	mailing of the re-issued Class	s Notice to intervene;
10	(3) Class Counsel will file a decla	aration that the Notice has been re-issued to Class Members
11	Lester K. McClain and Rober	ert Wiraatmadja and the date on which the notice was re-
12	2 issued.	
13	(4) On or about the fifth court d	day after Lester McClain and Robert Wiraatmadja's last day t
14	intervene, the Parties shall file	le a statement with the Court indicating whether the Parties
15	have received any notice from	m a Class Member seeking to intervene, and if no evidence of
16	record indicating that interve	ention is desired, that final judgment may be entered.
17	7 2/19/13	ATES DISTRICT
18		United States District County
19		Honorable E IT IS SO ORDERED
20		5 11 13 4
21	1	Judge Edward M. Chen
22	2	
23	3	THE OF THE PARTY O
24	4	PRIV DISTRICT OF CE
25	5	
26	5	
27		
28	Case No. 08-04058 EMC	2 ND JOINT STATEMENT, STIP. &

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