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17 Attorneys for Plaintiff

18  
 19 UNITED STATES DISTRICT COURT  
 20 NORTHERN DISTRICT OF CALIFORNIA

21 TIM O'NEILL, an individual; on behalf of )  
 himself and all others similarly situated, )  
 22 )  
 Plaintiff, )  
 23 )  
 v. )  
 24 )  
 GENESIS LOGISTICS, INC. and DOES 1 )  
 through 10, inclusive )  
 25 )  
 Defendants. )  
 26 )  
 27 )

Case No. CV08-4107 SI  
**STIPULATION AND PROPOSED  
 ORDER TO CONTINUE SEPTEMBER  
 25, 2009 CASE MANAGEMENT  
 CONFERENCE**  
 Judge: Honorable Susan Illston  
 Ctrm: 10, 19th floor

28 September 25, 2009 CMC Stipulation and Proposed Order

1           **WHEREAS** On January 10, 2009 the Court found good cause, approved the parties’  
2 stipulation, and ordered that Plaintiff’s remand hearing set for January 23, 2009 at 9:00 AM is  
3 deemed withdrawn so the parties can engage in limited Rule 26 discovery and participate in an  
4 early mediation;

5           **WHEREAS** pursuant to the parties’ stipulations and the Courts’ Orders, the Case  
6 Management Conference was continued to June 26, 2009 and then to September 25, 2009;

7           **WHEREAS** the parties have engaged in a Rule 26 Conference and have agreed on the  
8 scope of pre-mediation discovery in this putative class action;

9           **WHEREAS** it took defendants several months to locate, copy and scan the mediation  
10 documents because they were stored at various off-site locations;

11           **WHEREAS** the documents were recently produced to plaintiff’s counsel via disk;

12           **WHEREAS** defendants have located a few thousand more documents and are producing  
13 them on or before September 25, 2009;

14           **WHEREAS** defendants will depose Plaintiff within the next 45 days;

15           **WHEREAS** the parties have retained Jeffrey Krivis, an experience wage and hour  
16 attorney, to mediate the putative class action on December 3, 2009;

17           **IT IS HEREBY STIPULATED:**

18           The September 25, 2009 Case Management Conference is continued until after the  
19 parties engage in early mediation on December 3, 2009.

20 DATED: September 21, 2009

RAO ONGARO LLP

21  
22 By \_\_\_\_\_/s/\_\_\_\_\_  
23 Anthony J. Rao

24 Attorneys for Defendant  
25 GENESIS LOGISTICS, INC.

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DATED: September 21, 2009

LAW OFFICES OF SHAUN SETARAH

By \_\_\_\_\_ /s/ \_\_\_\_\_  
Shaun Setarah

Attorneys for Plaintiff  
TIM O'NEILL on behalf of himself and all  
others similarly situated

**FOR GOOD CAUSE, THE FOREGOING**

**STIPULATION IS APPROVED AND IS SO ORDERED.** The Court continues the Case  
Management Conference to \_\_\_\_\_ January 15, 2010 @ 2:30 p.m.



DATED: \_\_\_\_\_

\_\_\_\_\_  
Honorable Susan Illston