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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN FRANCISCO

18 PAUL VELASQUEZ, FAVIOLA
 19 ALVAREZ, MARCELO ALTAMIRANO,
 JACKEY WILSON II, CARLOS
 20 MARTINEZ and DIONICIO MARTINEZ
 on behalf of themselves and all others
 21 similarly situated,

22 Plaintiffs,

23 v.

24 HSBC FINANCE CORPORATION;
 HOUSEHOLD FINANCE
 25 CORPORATION; BENEFICIAL
 COMPANY LLC,

26 Defendants.
 27

Case No.: C 08-04592-SC [MEJ]

**STIPULATION AND [PROPOSED]
 REVISED PRETRIAL SCHEDULING
 ORDER**

Judge: Senior Judge Samuel Conti
 Courtroom: 1, 17th Floor
 Complaint Filed: October 2, 2008
 Trial Date: No date set

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STIPULATION AND [PROPOSED]
 REVISED PRETRIAL SCHEDULING
 ORDER

Case No. 3:08-CV-04592-SC [MEJ]

1 THIS STIPULATION AND ~~PROPOSED~~ REVISED PRETRIAL SCHEDULING ORDER
2 is made by and entered into between Defendants HSBC Finance Corporation and Beneficial
3 Company LLC (collectively, “Defendants”) and Plaintiffs Marcelo Altamirano and Jackey Wilson II
4 (collectively, “Plaintiffs”). The Court denied Plaintiffs’ motion to conditionally certify a nationwide
5 collective action on behalf of themselves and all other similarly situated former Account Executives
6 who were employed by Defendants. As such, Plaintiffs now seek only to bring this action as a
7 California state class action on behalf of themselves and all other current and former Account
8 Executives who were employed by Defendants in the State of California.

9 WHEREAS, on January 29, 2010, counsel for Defendants, Seyfarth Shaw, was withdrawn
10 and was superseded as defense counsel by the law firm of Littler Mendelson (Docket No. 106);

11 WHEREAS, at the time of substitution of counsel for Defendants, the parties were mired in
12 significant, unresolved discovery disputes;

13 WHEREAS, the law firm of Littler Mendelson has spent a significant amount of time
14 meeting and conferring with both the law firms of Seyfarth Shaw and Plaintiffs’ counsel to
15 investigate, understand and work to resolve the discovery disputes;

16 WHEREAS, Littler Mendelson and Barroway Topaz Kessler Meltzer & Check continue to
17 work closely together to resolve these discovery issues in order to advance the litigation;

18 WHEREAS, since Littler Mendelson has taken over defense of this case, it has taken a
19 significant amount of time (approximately four months) just to identify and obtain the universe of
20 documents due to the fact that the entities that employed the putative class members (Account
21 Executives) have ceased operations and moved these documents to various storage locations both in
22 the State of California and other areas of the country;

23 WHEREAS, it has taken a significant amount of time and much longer than expected
24 (approximately three months) to accomplish the threshold discovery procedure of obtaining and
25 electronically scanning the universe of documents to put into a form necessary for review in
26 anticipation of production;

27 WHEREAS, Defendants discovered upon completion of the scanning process that there were
28 approximately 625,000 documents—with the majority of documents consisting of anywhere from

1 approximately 3 to 25 pages in length—that are potentially relevant to this litigation, which
2 Defendants estimate would take between one (1) and one and one-half (1 ½) years to completely
3 review and produce;

4 WHEREAS, in an effort to comply with the Stipulation and Revised Pretrial Scheduling
5 Order filed by the parties on February 16, 2010, the parties have met and conferred repeatedly in an
6 effort to narrow the scope of discovery to certain categories of documents;

7 WHEREAS, review and production of these categories of documents is hampered by the fact
8 that the documents contain confidential financial and personal customer information, which counsel
9 must closely review and redact to ensure that the individuals' rights to financial and personal privacy
10 are not invaded and that Defendants comply with regulatory requirements to keep such data
11 confidential and safe;

12 WHEREAS, Defendants have reviewed and produced approximately 24,000 pages of
13 documents as of the date of this Stipulation and must review no fewer than approximately 100,000 to
14 200,000 additional pages for production;

15 WHEREAS, significant class-based discovery remains to be completed, including, *inter alia*,
16 the anticipated supplementation of Defendants' discovery responses as well as additional depositions
17 of certain of Defendants' witnesses, which cannot be taken until such time as additional key
18 documents are reviewed and produced by Defendants and subsequently reviewed by Plaintiffs;

19 WHEREAS, as a result of the various issues articulated above the dates set forth in the
20 current case management schedule cannot reasonably be met by the parties despite their diligent
21 efforts;

22 WHEREAS, Plaintiffs' Motion for Class Certification pursuant to Federal Rule of Civil
23 Procedure 23 is currently due to be filed on or before June 25, 2010;

24 WHEREAS, Defendants' Opposition to Class Certification is currently due to be filed by
25 July 26, 2010;

26 WHEREAS, Plaintiffs' Reply in Further Support of Class Certification is currently due to be
27 filed by August 25, 2010;

28 WHEREAS, the hearing on Plaintiffs' Motion for Class Certification is currently scheduled

1 for September 17, 2010 or another date to be set by the Court;

2 WHEREAS, the parties have conferred and believe that an approximate 120-day extension of
3 the above dates as set forth in the current scheduling Order entered on February 17, 2010 is
4 reasonable and necessary to provide the parties with the time necessary to conduct adequate class
5 discovery prior to briefing class certification;

6 WHEREFORE, IT IS NOW HEREBY STIPULATED AND AGREED that:

7 1. Plaintiffs' Motion for Class Certification pursuant to Rule 23 shall be filed by
8 October 18, 2010;

9 2. Defendants' Opposition to Class Certification shall be filed by November 18, 2010;

10 3. Plaintiffs' Reply in Further Support of Class Certification shall be filed by ~~December~~
11 ~~18, 2010;~~ December 17, 2010;

12 4. The hearing on Plaintiffs' Motion for Class Certification shall be conducted on
13 January ²¹~~18~~, 2010 or such other date as ordered by the Court; and

14 5. Within fifteen (15) days of a ruling by the Court regarding Plaintiffs' Motion for
15 Class Certification, the parties shall meet and confer and jointly submit to the Court a status report
16 regarding their plans for participation in a Court-mandated ADR program and address any other
17 outstanding issues including how much, if any, additional discovery is required; and

18 6. This Stipulation and Order is subject to revocation and modification by order of the
19 Court, upon written stipulation of the parties, or upon motion and reasonable notice.

20 **SO STIPULATED:**

21 DATED: June 18, 2010

22 Barroway Topaz Kessler Meltzer & Check, LLP

23
24 BY /s/ ROBERT W. BIELA
25 ROBERT W. BIELA

26 Attorneys for Plaintiffs
27 Marcelo Altamirano and Jackey Wilson II
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DATED: June 18, 2010

Littler Mendelson, P.C.

BY /s/ MICHELLE R. BARRETT
MICHELLE R. BARRETT

Attorneys for Defendants
HSBC Finance Corporation, Beneficial
Company, LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: _____ June 21, 2010 _____



THE HONORABLE SAMUEL CONTI
U.S. DISTRICT COURT JUDGE

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ATTESTATION OF CONCURRENCE

Pursuant to the Court’s General Order 45, Section 10(B), I hereby attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct to the best of my personal knowledge.

Executed this 18th day of June, 2010, in San Francisco, California.

BY /s/ MICHELLE R. BARRETT
MICHELLE R. BARRETT

Attorneys for Defendants
HSBC Finance Corporation, Beneficial
Company, LLC

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