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COMCAST CORPORATION

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SHAWN BLOUIN, individually and on behalf of other persons similarly situated,

Plaintiff,

vs.

COMCAST CORP. and DOES 1-50,

Defendants.

Case No. 3:08-CV-04787-MEJ

STIPULATION AND ~~[PROPOSED]~~ ORDER EXTENDING DISCOVERY CUTOFF

STIPULATION

Plaintiff Shawn Blouin and Defendant Comcast Corporation, being all the parties of record, submit this Stipulation to extend the discovery cutoff. The Stipulation is based on the following circumstances:

A. On January 22, 2009 the Court issued a Case Management Order.

B. The parties agreed to schedule a mediation, but could not schedule it to take place with a mediator of their choice until September 16, 2009. Therefore, they asked the Court to extend the deadlines in the Case Management Order, and the Court did so by order of June 29, 2009.

C. The parties then continued to engage in discovery.

D. As part of discovery, and for purposes of the mediation, Comcast voluntarily engaged in an extensive effort to collect the necessary data for the entire putative class in this wage and hour action, which includes Comcast's Call Centers across California, dating back to September 2004, and the wage and hour data of thousands of employees.

E. However, the data collection could not be completed sufficiently before the September 16, 2009 mediation. Therefore, the parties agreed to postpone the mediation to the next date available for the mediator, December 16, 2009.

F. To conserve litigation costs, the parties agreed to postpone depositions and expert discovery until after the mediation, but needed an order from the Court to facilitate that. Thus, the parties requested that the Court further extend deadlines in the Case Management Order, which the Court did, by Order of September 24, 2009.

G. Despite a great deal of work preparing for the mediation, and serious mediation negotiations aided by a very widely respected mediator, Mark Rudy, the parties did not reach settlement in the mediation. However, counsel have discussed an inquiry by the mediator about the possibility of a second mediation session.

H. After the December 16, 2009 mediation session, the parties determined that they needed an extension of the deadlines for expert discovery. The deadline to identify expert witnesses was December 29, 2009. Also, counsel for defendant identified a calendar conflict

that would interfere with expert discovery during two and a half weeks before the deadline for filing the motion for class certification. Therefore, the parties asked the Court to extend the expert discovery deadlines and the deadline for the motion for class certification, which the Court, did, by Order of December 23, 2009.

I. After the December 16, 2009 mediation, the parties resumed discovery, but had only five weeks remaining before the January 25, 2010 discovery cutoff.

J. Because of the impending cutoff, the parties noticed depositions for the week of January 18 – 22, 2010, but those dates are not practicable for the parties, counsel, and the witnesses.

K. On Wednesday, January 8, 2010, counsel met and conferred in person on discovery disputes at the offices of counsel for Comcast, in Palo Alto. Counsel for plaintiff traveled from Los Angeles for the meeting. The meeting was productive and amiable. The fact that it was in-person contributed to that.

L. At the meeting, the parties determined that, to facilitate their intentions to cooperate in discovery and in resolving discovery disputes, they would present to the Court a stipulation to extend the date for completion of discovery.

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THEREFORE, Plaintiff and Comcast stipulate and request that the order as follows:

1. That the date for close of discovery be extended from January 25, 2010 to March 31, 2010.

Dated: January 21, 2010

MORGAN, LEWIS & BOCKIUS LLP

By _____
Daryl S. Landy/Jennifer A. Lockhart
Attorneys for Defendant
COMCAST CORPORATION

Dated: January 21, 2010

SPIRO MOSS LLP

By _____
Ira Spiro
Attorneys for Plaintiff
SHAWN BLOUIN

ORDER

To avoid prejudice to the parties, and good cause appearing, upon the stipulation of the parties IT IS HEREBY ORDERED as follows:

1. The date for close of discovery is extended from January 25, 2010 to March 31, 2010.

Dated: January 22, 2010

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HON. MARIA-ELENA JAMES
U.S. District Court Magistrate Judge