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7 Attorneys for Plaintiffs

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10 UNITED STATES DISTRICT COURT  
 11 NORTHERN DISTRICT OF CALIFORNIA

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SPIRO MOSS LLP

13 SHAWN BLOUIN, individually and  
 14 on behalf of other persons similarly  
 situated,  
 15 Plaintiff,  
 16 vs.  
 17 COMCAST CORP. and DOES 1-50,  
 18 Defendants.

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

**PLAINTIFF'S STATUS REPORT  
 AND ORDER THEREON**

Judge: Hon. Maria-Elena James  
 Location: Courtroom B

Complaint filed: September 17, 2008  
 Action removed: October 15, 2008

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1 Plaintiff submits this Status Report pursuant to the December 3, 2010 e-  
2 mail from Chris Nathan, Law Clerk to the Honorable Maria-Elena James.

3 As directed in the email, this report is to update the Court regarding the  
4 parties' progress towards obtaining preliminary approval of their class action  
5 settlement. (This report could not be joint because what we understand to be  
6 defense counsel's vacation schedule.)

7 A. This is a wage and hour class action. As a result of mediation, the  
8 parties came to agreement on all material settlement terms in June 2010. The  
9 formal settlement agreement, entitled Joint Stipulation of Class Action  
10 Settlement and Release, was negotiated at great, great length, and Plaintiff has  
11 signed it.

12 Plaintiff awaits receipt of Defendant's signature on that Joint  
13 Stipulation.

14 B. Since November 2010, Plaintiff has been prepared to file his  
15 Motion for Preliminary Approval of Class Action Settlement. However, at  
16 Defendant's insistence, the Joint Stipulation provides that the Motion for  
17 Preliminary Approval cannot be filed until a First Amended Complaint has  
18 been filed. The parties have agreed on a First Amended Complaint. However,  
19 a First Amended Complaint cannot be filed without a stipulation and order that  
20 it may be filed. A stipulation has been written.

21 Plaintiff awaits Defendant's signature on the stipulation.

22 C. In the interests of the class, Plaintiff wishes to eliminate further  
23 delay in finalizing this settlement. Upon receiving Defendant's signature on  
24 the stipulation to file the First Amended Complaint, Plaintiff will promptly file  
25 (i) the signed stipulation with the First Amended Complaint attached, and (ii)  
26 his Motion for Preliminary Approval, with the Joint Stipulation of Class  
27 Action Settlement and Release attached.

28 D. Thus, Plaintiff recommends that the Court order as follows:

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- 1. That Defendant sign the Stipulation to file First Amended Complaint and transmit the signed stipulation to counsel for Plaintiff by email, all by January <sup>21</sup>/<sub>7</sub>, 2011.
- 2. That Defendant sign the Joint Stipulation of Class Action Settlement and transmit the signed stipulation to counsel for Plaintiff by email, all by January <sup>21</sup>/<sub>7</sub>, 2011

Respectfully submitted, SPIRO MOSS LLP

Dated: December 23, 2010 By \_\_\_\_\_ /s/  
Ira Spiro  
Attorneys for Plaintiffs

Defendant shall comply with the deadlines above, as altered. If unable to comply with the deadlines, the parties shall file a joint statement by January 25, 2011.

Dated: January 6, 2011

