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(Counsel listed on next page)

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOE LEWIS LUQUE AND HERMAN
RICHARDSON, Individually and On Behalf of All
Others Similarly Situated

Plaintiffs,

vs.

AT&T CORP., PACIFIC BELL TELEPHONE
CO. d/b/a AT&T CALIFORNIA, AND AT&T
COMMUNICATIONS OF CALIFORNIA, INC.,

Defendants.

No. C-09-5885-CRB

**STIPULATION AND ~~PROPOSED~~ ORDER
TO ADOPT REVISED INITIAL CASE
MANAGEMENT SCHEDULE**

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STIPULATION

1
2 Plaintiffs Joe Lewis Luque and Herman Richardson and defendants AT&T Corp., Pacific Bell
3 Telephone Company (named in the complaint as “Pacific Bell Telephone Co.”), and AT&T
4 Communications of California, Inc., acting through their respective counsel of record, hereby stipulate
5 as follows:

6 1. This case has been brought as a collective action/class action under the Fair Labor
7 Standards Act and California wage-and-hour law, and was commenced on December 16, 2009. (*See*
8 Docket No. 1.)

9 2. Plaintiffs effected service of process on defendants on February 1, 2010.

10 3. The parties have stipulated that defendants’ response to plaintiffs’ complaint is due on
11 March 24, 2010. (*See* Docket No. 16.)

12 4. When the action was commenced, the Court automatically set the following initial case
13 management dates:

| Event | Date |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Last day to: <ul style="list-style-type: none">○ meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan○ file ADR Certification signed by parties and counsel○ file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference | 03/03/10 |
| Last day to: <ul style="list-style-type: none">○ file Rule 26(f) report, complete initial disclosures or state objection in Rule 26(f) report○ file case management statement | 03/17/10 |
| Initial case management conference | 03/24/10 |

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26 (See Docket No. 2.)

27 5. Thereafter, in connection with the reassignment of the case from U.S. Magistrate Judge
28 James Larson (to whom it originally had been assigned) to U.S. District Judge Charles R. Breyer, the

1 initial case management conference was rescheduled to March 26, 2010. (*See* Docket No. 21.)

2 6. After conferring about scheduling and defendants' need for additional time to prepare
3 adequately for the initial disclosures, discovery plan, Rule 26(f) report, and initial case management
4 statement, the parties have agreed upon and request the Court to adopt a revised initial case management
5 schedule as follows:

| Event | Date |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| Last day to: ○ meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan ○ file ADR Certification signed by parties and counsel ○ file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference | 04/20/10 |
| Last day to: ○ file Rule 26(f) report, complete initial disclosures or state objection in Rule 26(f) report ○ file case management statement | 05/04/10 |
| Initial case management conference | 05/12/10 |

6 7. By entering into this stipulation, plaintiffs are not obligated to defer the timing of a
7 motion for conditional collective action certification.

8 8. Based on the foregoing, the parties believe there is good cause and respectfully request
9 the Court to adopt this revised case management schedule.

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1 Dated: March 3, 2010.

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13 By: /s/ Steven L. Wittels
14 Steven L. Wittels
15 Attorneys for Plaintiffs
16 Joe Lewis Luque and Herman Richardson

17 Dated: March 3, 2010.

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23 By: /s/ Jeffrey D. Wohl
24 Jeffrey D. Wohl
25 Attorneys for Defendants
26 AT&T Corp., Pacific Bell Telephone Company, and
27 AT&T Communications of California, Inc.
28

ORDER

On the stipulation of the parties, and good cause appearing therefor,

IT IS ORDERED that the initial case management schedule previously ordered by the Court be and is hereby revised as follows:

| Event | Current Date | New Date |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------|----------------------------|
| Last day to: <ul style="list-style-type: none">o meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plano file ADR Certification signed by parties and counselo file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference | 03/03/10 | 04/20/10 |
| Last day to: <ul style="list-style-type: none">o file Rule 26(f) report, complete initial disclosures or state objection in Rule 26(f) reporto file case management statement | 03/17/10 | 05/04/10 |
| Initial case management conference | 03/26/10 | 05/12/10 (at 8:30 a.m.) |

IT IS FURTHER ORDERED that nothing in this initial case management schedule will preclude plaintiffs from filing a motion for conditional collective action certification prior to the initial case management conference.

Dated: March 5, 2010.

