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UNITED STATES DISTRICT COURT

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NORTHERN DISTRICT OF CALIFORNIA

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

No. C-09-5885-CRB (JCS)

13 Plaintiffs,

**STIPULATION AND ~~PROPOSED~~
ORDER RE: DATE OF CASE
MANAGEMENT CONFERENCE**

14 vs.

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

17 Defendants.

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1 **STIPULATION**

2 Plaintiffs Joe Lewis Luque and Herman Richardson and defendants AT&T Corp., Pacific Bell
3 Telephone Company, and AT&T Communications of California, Inc., acting through their counsel of
4 record, hereby stipulate as follows:

5 1. The case management conference in this action currently is scheduled for June 25, 2010,
6 at 10:00 a.m.

7 2. On the parties' stipulation, the Court has continued the hearing on plaintiffs' motion for
8 conditional certification to August 27, 2010, to permit pre-conditional certification discovery.

9 3. Accordingly, the parties believe it would serve the interest of convenience and judicial
10 economy if the case management conference were continued. The parties, however, do not agree on the
11 new date for the conference:

12 a. Plaintiffs propose that the case management conference be continued to
13 August 27, 2010, the same date as the hearing on their motion for conditional
14 certification. Since the parties will already be before the Court, an August 27 case
15 management conference will be an opportune time to set a plan for discovery in
16 this case. Discovery should continue between the hearing and the Court's
17 decision on plaintiffs' conditional certification motion. A case management
18 conference will materially aid in moving this matter forward during this period.

19 b. Defendants propose that the case management conference be continued to a date
20 at least 30 days after the Court rules on plaintiffs' motion for conditional
21 certification, with a supplemented case management statement (as appropriate)
22 filed one week before the conference. Defendants propose this new date because
23 until the Court has ruled on conditional certification, the parties will not know the
24 scope of the case, and therefore continuing the conference to August 27 will not
25 materially aid in the planning process.

26 4. The case management conference has been rescheduled two previous times by stipulation
27 of the parties and endorsement by the Court. However, a further postponement will not affect the
28 overall schedule in the case as the parties will proceed with pre-certification discovery and continue

