STEVEN G. ZIEFF (SBN 84222) DAVID A. LOWE (SBN 178811) JOHN T. MULLAN (SBN 221149) RUDY EXELROD ZÌEFF & LOWE LLP 351 California Street, Suite 700 3 San Francisco, CA 94104 (415) 434-9800 (phone)/(415) 434-0513 (fax) sgz@rezlaw.com dal@rezlaw.com 5 itm@rezlaw.com 6 ROBERT S. NELSON (SBN 220984) NELSON LAW GROUP 900 Cherry Avenue, Suite 300 San Bruno, CA 94066 (650) 794-2760 (phone)/(650) 794-2761 (fax) 8 9 rnelson@nelsonlawgroup.net Attorneys for Plaintiff 10 DANIELLE WARREN and all others similarly situated 11 JACK S. SHOLKOFF, CA Bar No. 145097 jack.sholkoff@ogletreedeakins.com 12 BETH A. GUNN, CA Bar No. 218889 beth.gunn@ogletreedeakins.com, 13 OGLETREE, DEAKINS, NASH, SMOAK & STEWART, P.C. 400 South Hope Street, Suite 1200 14 Los Angeles, CA 90071 Telephone: 213.239.9800 15 213.239.9045 Facsimile: 16 Attorneys for Defendant PAYCHEX, INC. 17 UNITED STATES DISTRICT COURT 18 NORTHERN DISTRICT OF CALIFORNIA 19 DANIELLE WARREN, and all others Case No. C 10-02006 JCS 20 similarly situated, 21 STIPULATED REQUEST FOR ORDER Plaintiff, AND [PROPOSED] ORDER EXTENDING NOTICE DISTRIBUTION AND 22 v. RELATED DEADLINES PAYCHEX, INC. 23 Defendant. 24 25 Stipulation 07-15-26 27 28 Case No. C 10-02006 JCS STIPULATED REQUEST FOR ORDER EXTENDING DEADLINES

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Warren v. Paychex, Inc.

TO THE HONORABLE COURT, ALL PARTIES AND THEIR RESPECTIVE COUNSEL OF RECORD:

WHEREAS, pursuant to the Amended Joint Stipulation of Class Action Settlement and the Amended preliminary approval order, on July 5, 2011, Defendant provided the Settlement Administrator, Rust Consulting with data necessary to calculate the Class Members' average weekly salary and number of qualified work weeks, including the Class Members' names, the Class Members' dates of hire in the Class position, the Class Members' dates of termination from the Class position, and the amounts of the Class Members' weekly salaries during their employment in Class positions during the Class period;

WHEREAS, pursuant to the Amended Joint Stipulation of Class Action Settlement and the Amended preliminary approval order the Settlement Administrator, Rust Consulting was to mail the Court-approved Notice of Settlement by July 15, 2011, which Notice is to provide individualized information as to the Class Members' average weekly salaries and number of their qualified work weeks;

WHEREAS, on July 14, 2011, Class Counsel and Defense Counsel were informed by the Settlement Administrator that questions had arisen regarding the Class Member data provided by Defendant which had rendered them unable to meet the July 15, 2011 Notice of Settlement mailing deadline;

WHEREAS, the Settlement Administrator required clarification of the Class Member data provided by Defendant and further instructions from counsel in order to complete the necessary calculations and prepare the mail file pursuant to the settlement agreement, which required additional analysis of the data. (see Declaration of Abigail J. Schwartz of Rust Consulting, Inc., ¶ 5 ("Schwartz Decl.") filed herewith);

WHEREAS, the Settlement Administrator's questions regarding the Class Member data provided by Defendant have now been addressed and counsel for the parties have provided the necessary instructions (Schwartz Decl., ¶ 5);

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WHEREAS, the delay caused by the Settlement Administrator's questions regarding 2 the Class Member data was such that the Settlement Administrator informed the parties on 3 July 14, 2011 that the Settlement Administrator requires additional time to make the calculations necessary to include the required individualized information as to average weekly 4 salaries and numbers of qualified work weeks in the Notices and the Settlement Administrator 5 has further informed counsel for the parties that the additional analysis of the data and the 6 7 preparation and mailing of the Notice to the Class shall be completed by July 22, 2011 8 (Schwartz Decl.,  $\P$  5). IT IS HEREBY STIPULATED AND AGREED: 9 That the deadline for mailing of the Notice of Settlement is extended by one week to 10 July 22, 2011. The deadline for submitting objections and comments in favor of the 11 Settlement and for Class Opt-Outs (which is 60-days after mailing of the Notice) is correspondingly extended by one week to September 20, 2011. Because the Court previously 13 continued the Final Approval Hearing by one week to November 4, 2011 (see Docket No. 52), 14 it is not necessary to continue the November 4, 2011 Final Approval Hearing date. 15 SO STIPULATED. 16 17 DATED: July 15, 2011 RUDY EXELROD ZIEFF & LOWE LLP 18 19 By: /s/ John T. Mullan Steven G. Zieff 20 David A. Lowe 21 John T. Mullan Attorneys for Plaintiff 22 23 OGLETREE, DEAKINS, NASH, SMOAK & DATED: July 15, 2011 STEWART P.C. 24 25 By: /s/ Beth A. Gunn Jack S. Sholkoff 26 Beth A. Gunn Attorneys for Defendant Paychex, Inc. 27 28 Case No. C 10-02006 JCS

Stipulation 07-15-11.doc

## **ORDER**

PURSUANT TO STIPULATION, IT IS SO ORDERED that the deadline for mailing of the Notice of Settlement is extended by one week to July 22, 2011. The deadline for submitting objections and comments in favor of the Settlement and for Class Opt-Outs (which is 60-days after mailing of the Notice) is correspondingly extended by one week to September 20, 2011.

Dated: \_\_July 19 \_\_\_\_\_, 2011



Stipulation 07-15-11.doc