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20 Attorneys for Defendant
 21 Ryder Integrated Logistics, Inc.

22 UNITED STATES DISTRICT COURT
 23 NORTHERN DISTRICT OF CALIFORNIA

24 Jim Swain,
 25
 26 Plaintiff,
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 28 v.
 29 Ryder Integrated Logistics, Inc. and
 30 DOES 1 through 10, inclusive,
 31
 32 Defendants.

CASE NO. 3:10-cv-04192-CRB

**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE CASE
 MANAGEMENT CONFERENCE**

1 The only parties that have appeared in this action, Plaintiff Jim Swain (“Plaintiff”)
2 and Defendant Ryder Integrated Logistics, Inc. (“Defendant”) (collectively, the “Parties”),
3 through their respective counsel, hereby jointly stipulate and request that the Case
4 Management Conference in the above-captioned matter, currently scheduled for
5 October 28, 2011 at 8:30 a.m. be moved to December 16, 2011 at 8:30 a.m.

6 Good cause for this stipulated request is as follows:

7 1) On September 7, 2011, the Parties mediated before JAMS mediator Joel
8 Grossman.

9 2) Although the parties made substantial progress, the September 7, 2011
10 mediation did not result in a settlement.

11 3) The Parties anticipate that a further session of mediation may resolve the
12 underlying dispute.

13 4) The Parties have scheduled a further session of mediation before Mr.
14 Grossman on November 2, 2011.

15 5) Continuing the Case Management Conference until after mediation has
16 occurred would serve the interests of economy and efficiency.

17 6) The parties have agreed to the following discovery protocol in advance of
18 the mediation:

- 19 a. Defendant has provided Plaintiff with a list, in excel format, of the
20 locations and dates for which On Board Computer (“OBC”) data is
21 available.
- 22 b. No later than October 17, Plaintiff will identify a selection of no
23 more than 100 previously produced time records for which Plaintiff
24 requests OBC data.
- 25 c. No later than October 21, Defendant will provide in either Excel or
26 hard-copy format the requested OBC records.

- 1 d. No later than October 21, Defendant shall provide Plaintiff any data
2 or documents that were not previously produced and that Defendant
3 plans to use at the November fourth mediation.
- 4 e. Neither Plaintiff nor Defendant will attempt to collect written
5 statements or declarations from any Class Member prior November
6 2, 2011. After November 2, 2011, both Plaintiff and Defendant agree
7 not to attempt to collect written statements or declarations from Class
8 Members until 30 days after notifying opposing counsel that the party
9 is terminating settlement negotiations.

10
11 IT IS HEREBY STIPULATED:

12 The Parties stipulate and respectfully request the Court order as follows: the Case
13 Management Conference in the above-captioned matter is hereby changed from its current
14 date of October 28, 2011 to December 16, 2011. That the new Case Management
15 Conference date shall be treated as the initial Case Management Conference date for the
16 purpose of calculating the deadline for meetings between counsel, initial disclosures, and
17 reports to the Court pursuant Rule 26. The Parties shall follow the discovery protocol as
18 described herein.

19
20
21 DATED: October 13, 2011

LITTLER MENDELSON
KEITH JACOBY
MICHELLE HEVERLY

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23
24 By: /s/ Michele Heverly
25 Michele Heverly
26 Attorneys for Defendant
RYDER INTEGRATED LOGISTICS, INC.

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DATED: October 13, 2011

THE GRAVES FIRM
ALLEN GRAVES
ELIZABETH SULLIVAN

By: /s/ Allen Graves
Allen Graves
Attorneys for Plaintiff
JIM SWAIN

ORDER

IT IS SO ORDERED.

DATED: October 17, 2011

By: _____
Hon. Ch

