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13 **UNITED STATES DISTRICT COURT**  
 14 **NORTHERN DISTRICT OF CALIFORNIA**  
 15 **SAN FRANCISCO DIVISION**

16 DON C. BENNETT, COMERLIS  
 17 DELANEY, GARY ROBINSON, DARREN  
 SCOTT, and JON HOTZLER, on behalf of  
 themselves and all others similarly situated,

18 Plaintiffs,

19 v.

20 SIMPLEXGRINNELL, LP,

21 Defendant.  
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Case No. 11-1854 JST (NJV)

**STIPULATION AND ~~PROPOSED~~ ORDER  
 FOR EXTENSION OF DATES,  
 MODIFICATION OF SCHEDULING  
 ORDER, AND RESOLUTION OF  
 DISCOVERY MOTION**

Complaint Filed: April 18, 2011  
 First Amended  
 Complaint Filed: June 27, 2011  
 Second Amended  
 Complaint Filed: June 26, 2012  
 Trial Date: None Set  
 Judge: Honorable Jon S. Tigar

1 WHEREAS, Plaintiffs on March 19, 2013, have filed a motion to compel discovery with  
2 regard to certain types of electronic data maintained in Defendant's business records;

3 WHEREAS, the Parties are concerned that significant time will be consumed if the matter  
4 is resolved in litigation, and will impact the pretrial schedule;

5 And WHEREAS the Parties have met and conferred concerning a resolution of Plaintiffs'  
6 motion without further intervention of the Court and have reached an agreement between them to  
7 resolve the matter, including the establishment of new scheduling dates to accommodate the  
8 production and to adjust the dates for expert disclosures and mediation;

9 IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:

10 1. Plaintiffs' motion seeks the production of three types of data, as set forth in more  
11 detail in the motion and in the underlying discovery requests:

- 12 a. All employee data from the ACE, JobCost, and Time Entry databases, except for  
13 federal project data.
- 14 b. All electronically available copies of inspection reports;
- 15 c. All electronic copies of employee timesheets.

16 2. Defendant, within 30 days of the entry of the Order approving this stipulation and  
17 after a reasonable search and diligent inquiry, will produce the available employee project and time  
18 entry data, subject to limited exceptions provided here regarding Restricted Information, will  
19 produce the electronically available copies of inspection reports, and will produce certain employee  
20 timesheets maintained in electronic form as set forth in more detail here.

21 3. Defendant represents that certain employee project data are subject to specific  
22 contractual or privacy restrictions, for customers in the banking and gaming sectors ("Restricted  
23 Information"). Within 14 days of the entry of the Order approving this stipulation, Defendant will  
24 provide to Plaintiffs' attorneys, for their eyes only, a list of the customers and project names for the  
25 projects containing Restricted Information. The parties will then meet and confer promptly to  
26 narrow or resolve any remaining disputes regarding the production of employee project data  
27 containing Restricted Information, and will use their best efforts to resolve the matter without  
28 further intervention by the Court. To the extent that the matter cannot be resolved informally,

1 Plaintiffs may reinstate their motion to compel with regard to the unresolved portion of the dispute.

2 The identity of the customer may be used in court filings under seal in the motion.

3 4. The Protective Order will be revised to reflect the additional protections contained  
4 in this Stipulation and Order.

5 5. Not subject to Plaintiffs' pending motion to compel is plaintiffs' discovery request  
6 for paper copies of employee timesheets maintained in Defendant's district offices in California.  
7 Plaintiffs seek the production of the paper timesheets in a manner that will not impede the schedule  
8 in this Stipulation and Order. Accordingly, as soon as possible after the entry of this order,  
9 Defendant will provide access to its district offices in California for the copying of employee  
10 timesheets in paper form.

11 6. Defendant has advised Plaintiffs that certain employee paper timesheets in the  
12 relevant period may be unavailable, due to office moves (specifically the move and consolidation  
13 of the Orange County and Glendale office with the Greater Los Angeles office). In those instances,  
14 and in other instances where paper timesheets are unavailable, Defendant will produce timesheets  
15 in electronic form that are available upon reasonable search and diligent inquiry. Otherwise,  
16 further production of employee timesheets in electronic form is not required.

17 7. In consideration of the matters in this Stipulation and Order, Plaintiffs' motion to  
18 compel discovery is withdrawn.

19 8. In consideration of the significant expenditure of resources expected to be required  
20 to implement this Stipulation and Order, and upon good cause shown, the Court ORDERS that all  
21 pending deadlines shall be extended as follows:

22	Discovery Cutoff:	June 28, 2013
23	Mediation Deadline:	August 29, 2013
24	Expert Disclosure:	June 28, 2013
25	Plaintiffs' Expert Reports:	July 29, 2013
26	Defendant's Expert Reports:	August 19, 2013
27	Expert Discovery Cutoff:	September 19, 2013

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Deadline to File Class Certification  
And Dispositive Motions:

October 17, 2013

Dated: April 11, 2013

Respectfully submitted,

By: /s/ Karla Gilbride

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*Attorneys for Plaintiffs and Proposed Class*

Dated: April 11, 2013

By: /s/ Carolyn B. Hall

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**ATTESTATION**

Pursuant to General Order 45(X), I attest that concurrence in the filing of this document has been obtained from each of the other signatories.

Dated: April 11, 2013

By: /s/ Karla Gilbride

MEHRI & SKALET PLLC  
Attorneys for Plaintiffs

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~~PROPOSED~~ ORDER

Pursuant to the Stipulation of the parties and GOOD CAUSE APPEARING, IT IS SO ORDERED.

DATED: April 12, 2013

  
\_\_\_\_\_  
Honorable Jon S. Tiger  
United States District Court Judge