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23
 24 **UNITED STATES DISTRICT COURT**
 25
 26 **NORTHERN DISTRICT OF CALIFORNIA**

27 IRAM BAKHTIAR, individually, and on behalf of
 28 all others similarly situated,

Plaintiff,

vs.

INFORMATION RESOURCES, INC., and
 DOES 1 through 50, inclusive,
 Defendants.

Case No. 3:17-cv-04559-JST

**JOINT STIPULATION REGARDING
 PRODUCTION OF CLASS LIST;
 [proposed] ORDER**

Hon. Jon S. Tigar

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RECITALS

WHEREAS, Plaintiff Iram Bakhtiar (“Plaintiff”) served written discovery requests, including interrogatories, on Defendant Information Resources, Inc. (“Defendant”), on October 25, 2017. Pursuant to the agreement of the Parties, responses to these requests are due on December 20, 2017;

WHEREAS, Plaintiff has requested that Defendant identify each member of the putative National Class and the putative California Class, including but not limited to providing the last known mailing address, email address, and telephone number for each member of these putative Classes (Plaintiff’s Interrogatories 2 and 4);

WHEREAS, Defendant does not oppose production of these putative Class lists, but seeks to protect the privacy of putative Class Members and ensure that such putative Class Members will not be subject to intrusive or unwanted contact from Plaintiff’s Counsel;

WHEREAS, the Parties have met and conferred and agree that Defendant will produce the putative Class lists subject to certain conditions intended to protect putative Class Members from intrusive or unwanted contact from Plaintiff’s Counsel;

WHEREAS, Plaintiff agrees that Plaintiff’s Counsel will not contact any putative Class Member via telephone based on information provided by Defendant until first sending such putative Class Member a letter via first class mail or an email stating that the putative Class Member has the right not to speak with Plaintiff’s Counsel and that if he or she elects not to talk to Plaintiff’s Counsel and informs Plaintiff’s Counsel of the same in writing (via electronic mail, facsimile, or letter), Plaintiff’s Counsel will terminate the contact and not contact such Class Member again. Plaintiff further agrees that all putative Class Member contact information shall be designated as Confidential pursuant to the Parties’ Stipulated Protective Order in this case, and that such information shall only be used for purposes of litigating the instant case; and

WHEREAS, Defendants expressly reserve all rights and arguments in opposition to conditional certification under the Fair Labor Standards Act, 29 U.S.C. § 216(b), and in opposition to class certification under Federal Rule of Civil Procedure 23.

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STIPULATION

NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff and Defendant through their respective undersigned counsel that:

1. For purposes of this action, Defendant will identify the members of the putative National Class and the putative California Class to Plaintiff’s Counsel as requested by Plaintiff’s Interrogatories 2 and 4, subject to a designation as Confidential pursuant to the Parties’ Stipulated Protective Order;
2. Plaintiff’s Counsel will not contact any putative Class Member via telephone based on information provided by Defendant without first sending such putative Class Member a letter via first class mail or an email stating that the putative Class Member has the right not to speak with Plaintiff’s Counsel and that if he or she elects not to talk to Plaintiff’s Counsel and informs Plaintiff’s Counsel of the same in writing (via electronic mail, facsimile, or letter), Plaintiff’s Counsel will terminate the contact and not contact such Class Member again.
3. Except as otherwise stated in this Stipulation, by entering into this Stipulation, Defendant does not waive and expressly reserves all defenses and challenges in the action.

DATED: March 5, 2018

BRYAN SCHWARTZ LAW

By: /s/ Logan Starr
Bryan J. Schwartz
Logan Starr

Attorneys for Plaintiff

1 DATED: March 5, 2018

JACKSON LEWIS P.C.

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3 By: /s/ Robert I. Lockwood

Mitchell F. Boomer

4 Robert I. Lockwood

Janelle J. Sahouria

5 Attorneys for Defendant

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11 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

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13 Pursuant to Civil Local Rule 5-1(i)(3), I attest that the concurrence in the filing of the Joint
14 Stipulation submitted by Plaintiff Iram Bakhtiar has been obtained from the other signatory
15 therein, Robert Lockwood, attorney for Defendants in this matter.

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17
18 Dated: March 5, 2018

/s/ Logan Starr

Logan Starr

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3 **[PROPOSED] ORDER**

4 Pursuant to the Parties' Joint Stipulation, IT IS THEREFORE ORDERED that:

- 5 1. Defendant shall produce the putative Class Member information as to the putative
6 National and California classes, according to Plaintiff's Interrogatories 2 and 4, subject
7 to the limitations and protections of putative Class Member privacy identified in the
8 Parties' Joint Stipulation;
- 9 2. Plaintiff's Counsel shall not contact any putative Class Member via telephone based on
10 information provided by Defendant without first sending such putative Class Member a
11 letter via first class mail or an email stating that the putative Class Member has the
12 right not to speak with Plaintiff's Counsel and that if he or she elects not to talk to
13 Plaintiff's Counsel and informs Plaintiff's Counsel of the same in writing (via
14 electronic mail, facsimile, or letter), Plaintiff's Counsel shall terminate the contact and
15 not contact such Class Member again; and
- 16 3. The information produced by Defendant in response to Plaintiff's Interrogatories 2 and
17 4 shall be designated as Confidential pursuant to the Stipulated Protective Order in this
18 action and shall be used only for purposes of this action.
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21 Dated: March 7, 2018

By:

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24 The Honorable Jon S. Tigar
25 Judge of the United States District Court