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20 Attorneys for Plaintiffs and proposed Classes
 21 *Additional Counsel on the signature page*

22 UNITED STATES DISTRICT COURT

23 IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA

24 JUANITA WYNNE and DANTE
 25 BYRD, ON BEHALF OF
 THEMSELVES AND CLASSES OF
 THOSE SIMILARLY SITUATED,

26 Plaintiffs,

27 v.

28 MCCORMICK & SCHMICK’S

) Case No. C-06-3153 CW

) **JOINT STIPULATION AND**
) **ORDER EXTENDING TIME FOR**
) **DEFENDANTS TO SUBMIT**
) **PROGRESS REPORT TO**
) **DIVERSITY MONITOR AND**
) **CLASS COUNSEL**

1 SEAFOOD RESTAURANTS, INC. and)
2 MCCORMICK & SCHMICK)
3 RESTAURANT CORP.,)
4 Defendants.)

5 WHEREAS, this Court entered final approval of the Consent Decree on
6 August 6, 2008;

7 WHEREAS, Section XVIII(C) of the Consent Decree requires Defendants to
8 submit an annual Progress Report to the Diversity Monitor and Class Counsel on
9 an annual basis and provides that the reports are due 30 days after the close of
10 designated reporting periods;

11 WHEREAS the Consent Decree requires that Defendants analyze hiring and
12 applicant flow data to determine whether Defendants have met certain hiring
13 benchmarks as set forth in the Consent Decree;

14 WHEREAS, to be able report on whether Defendants have met the hiring
15 benchmarks, Defendants must necessarily gather hiring and applicant flow data
16 from each of its restaurant locations to be analyzed to be able to determine whether
17 the hiring benchmarks have been met for that reporting year;

18 WHEREAS, Defendants now recognize that additional time is required to
19 gather and analyze the hiring and applicant flow data to determine whether
20 Defendants have met the hiring benchmarks and to submit its Progress Report to
21 the Diversity Monitor and Class Counsel;

22 WHEREAS, the Parties have met and conferred on this issue, and Class
23 Counsel does not oppose Defendants' proposal that the Consent Decree be
24 amended to provide Defendants with additional time (from 30 days to 90 days) to
25 submit the annual Progress Report; and

26 WHEREAS, the Parties agree that this proposed amendment to extend the
27 due date for submission of the Progress Report to the Diversity Monitor and Class
28 Counsel does not materially alter Defendants' obligations under the Consent
Decree.

1 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES that
2 Section XVIII(C) of the Consent Decree will be amended as follows:

3 C. Reporting Schedule. The Company shall provide Progress Reports to
4 the Diversity Monitor and Class Counsel regarding the Company's compliance
5 with the Decree's requirements 90 days after the close of the following reporting
6 periods: 1) Months 1-12 after the Final Approval Date; 2) Months 13-24 after the
7 Final Approval Date; 3) Months 25-36 after the Final Approval Date; Months 37-
8 48 after the Final Approval Date; and, if the Consent Decree
9 has not been terminated pursuant to Section V(B), 5) Months 49-56 after the Final
10 Approval Date.

11 I hereby attest that I have on file all holograph signatures for any signatures
12 indicated by a "conformed" signature (/s/) within this e-filed document.

13 DATED: September ____, 2009

By: /s/ James M. Finberg

James M. Finberg

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*Attorneys for Plaintiffs and the proposed Class
Members JUANITA WYNNE and DANTE
BYRD, on behalf of themselves and classes of
those similarly situated*

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