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15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 JUANITA WYNNE and DANTE )  
 18 BYRD, ON BEHALF OF )  
 THEMSELVES AND CLASSES OF )  
 19 THOSE SIMILARLY SITUATED, )  
 Plaintiffs, )  
 20 v. )  
 21 MCCORMICK & SCHMICK'S )  
 22 SEAFOOD RESTAURANTS, INC. and )  
 23 MCCORMICK & SCHMICK )  
 RESTAURANT CORP., )  
 24 Defendants. )

Case No. C-06-3153 CW

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

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

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

7           WHEREAS, the Consent Decree requires that Defendants report, among  
8 other things, whether certain hiring benchmarks for the hiring of African-American  
9 job applicants are met in a given reporting year;

10          WHEREAS, this Court entered an Order dated October 1, 2009, amending  
11 Section XVIII(C) of the Consent Decree to give Defendants 90 days after the close  
12 of the designated reporting periods to submit the Annual Progress Report;

13          WHEREAS, on November 10, 2009, this Court entered an Order granting  
14 the Parties' stipulation that Defendants be provided an extension of two weeks to  
15 submit its first annual progress report to the Diversity Monitor and Class Counsel;

16          WHEREAS, Defendants require an additional one-week extension to re-run  
17 the hiring benchmark analyses after it was discovered upon reviewing the initial  
18 benchmark analyses that hire data used to generate the benchmark analyses was  
19 not complete;

20          WHEREAS, the Parties have met and conferred on this issue, and Class  
21 Counsel does not oppose Defendants' proposal that Defendants be provided an  
22 additional week to submit the first progress report for the 2009 reporting year; and

23          WHEREAS, the Parties agree that this proposed one-week extension to  
24 extend the date for submission of the first Progress Report to the Diversity Monitor  
25 and Class Counsel does not materially alter Defendants' obligations under the  
26 Consent Decree.

27          IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES that  
28 Defendants shall have an additional one week to submit the first annual Progress

1 Report as set forth in Section XVIII(C) of the Consent Decree, as previously  
2 amended by Court Order.

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

5 DATED: November 20, 2009

By: /s/ James M. Finberg

6 James M. Finberg

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RIGHTS OF THE SAN FRANCISCO BAY  
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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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DATED: November 20, 2009 SEYFARTH SHAW LLP

By /s/ William C. Thomas III  
William C. Thomas III  
*One of the Attorneys for Defendants*  
MCCORMICK & SCHMICK'S SEAFOOD  
RESTAURANTS, INC. AND MCCORMICK &  
SCHMICK'S RESTAURANT CORP.

**ORDER**

The foregoing stipulation is approved, and IT IS SO ORDERED.

DATED: 12/10, 2009



HONORABLE CLAUDIA WILKEN  
Judge, United States District Court

1 **PROOF OF SERVICE**

2 USDC Case No. C 06 3153 CW

3 STATE OF CALIFORNIA )  
4 ) ss  
5 COUNTY OF LOS ANGELES )

6 I am a resident of the State of California, over the age of eighteen years, and not a party  
7 to the within action. My business address is Seyfarth Shaw LLP, 2029 Century Park East, Suite  
8 3300, Los Angeles, California 90067-3063. On **November 20, 2009**, I served the within  
9 documents:

10 **JOINT STIPULATION AND [PROPOSED] ORDER EXTENDING TIME FOR**  
11 **DEFENDANTS TO SUBMIT PROGRESS REPORT TO DIVERSITY MONITOR**  
12 **AND CLASS COUNSEL**

13  I sent such document from facsimile machine (310) 201-5219 on **November 20, 2009**.  
14 I certify that said transmission was completed and that all pages were received and  
15 that a report was generated by facsimile machine (310) 201-5219 which confirms said  
16 transmission and receipt. I, thereafter, mailed a copy to the interested party(ies) in this  
17 action by placing a true copy thereof enclosed in sealed envelope(s) addressed to the  
18 parties listed below.

19  by placing the document(s) listed above in a sealed envelope with postage thereon  
20 fully prepaid, in the United States mail at Los Angeles, California addressed as set  
21 forth below.

22  by personally delivering the document(s) listed above to the person(s) at the  
23 address(es) set forth below.

24  by placing the document(s) listed above, in a sealed Federal Express envelope with  
25 postage paid on account and deposited with Federal Express at Los Angeles,  
26 California, addressed as set forth below.

27  by transmitting the document(s) listed above, electronically, via the e-mail addresses  
28 set forth below.

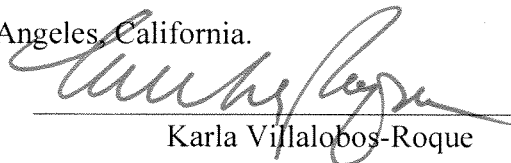
electronically by using the Court's ECF/CM System.

29 **\*\* REFER TO ATTACHED SERVICE LIST \*\***

30 I am readily familiar with the firm's practice of collection and processing correspondence  
31 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same  
32 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on  
33 motion of the party served, service is presumed invalid if postal cancellation date or postage  
34 meter date is more than on day after the date of deposit for mailing in affidavit.

35 I declare that I am employed in the office of a member of the bar of this court whose  
36 direction the service was made.

37 Executed on **November 20, 2009**, at Los Angeles, California.

38   
Karla Villalobos-Roque

**SERVICE LIST**

*United States District Court, Northern District of California  
Oakland Division, Case No. C 06 3153 CW*

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

Plaintiffs,

v.

MCCORMICK & SCHMICK'S SEAFOOD RESTAURANTS,  
INC. and MCCORMICK & SCHMICK RESTAURANT CORP.,

Defendants.

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