

1 SEYFARTH SHAW LLP  
 2 Gilmore F. Diekmann (SBN 50400)  
 3 560 Mission Street, 31st Floor  
 4 San Francisco, California 94105  
 5 Telephone: (415) 397-2823  
 6 Facsimile: (415) 397-8549  
 7 Email: [gdiekman@seyfarth.com](mailto:gdiekman@seyfarth.com)  
 Attorneys for Defendants  
 MCCORMICK & SCHMICK'S SEAFOOD  
 RESTAURANTS, INC. and MCCORMICK &  
 SCHMICK'S RESTAURANT CORP.

8 James M. Finberg (SBN 114850)  
 9 Eve H. Cervantez (SBN 164709)  
 10 ALTSHULER BERZON LLP  
 11 177 Post Street, Suite 300  
 12 San Francisco, CA 94108  
 13 Telephone: (415) 421-7151  
 14 Facsimile: (415) 362-8064  
 15 E-Mail: [jfinberg@altshulerberzon.com](mailto:jfinberg@altshulerberzon.com)  
 16 E-Mail: [ecervantez@altshulerberzon.com](mailto:ecervantez@altshulerberzon.com)  
 Attorneys for Plaintiffs and proposed Classes  
*Additional Counsel on the signature page*

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 JUANITA WYNNE and DANTE  
 18 BYRD, ON BEHALF OF  
 19 THEMSELVES AND CLASSES OF  
 20 THOSE SIMILARLY SITUATED,  
 Plaintiffs,  
 v.  
 21 MCCORMICK & SCHMICK'S  
 22 SEAFOOD RESTAURANTS, INC. and  
 23 MCCORMICK & SCHMICK  
 RESTAURANT CORP.,  
 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, for the second Annual Progress Report, Defendants require an  
14 additional extension through December 10, 2010, to ensure the accuracy and  
15 integrity of applicant flow data used to analyze hiring benchmarks required by the  
16 Consent Decree;

17          WHEREAS, the Parties have met and conferred on this issue, and Class  
18 Counsel does not oppose Defendants' proposal that Defendants be provided an  
19 extension of time to submit the second Annual Progress Report for the 2010  
20 reporting year; and

21          WHEREAS, the Parties agree that this stipulated extension of time to extend  
22 the date for submission of the second Progress Report to the Diversity Monitor and  
23 Class Counsel does not materially alter Defendants' obligations under the Consent  
24 Decree.

25 IT IS HEREBY STIPULATED BY AND BETWEEN THE PARTIES that  
26 Defendants shall have through December 10, 2010 to submit the second annual

27 ///

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

3  
4 DATED: November 10, 2010

By: /s/ James M. Finberg

James M. Finberg

James M. Finberg (SBN 114850)

Eve H. Cervantez (SB 164709)

ALTSHULER BERZON LLP

177 Post Street, Suite 300

San Francisco, CA 94108

Telephone: (415) 421-7151

Facsimile: (415) 362-8064

E-Mail: [jfinberg@altshulerberzon.com](mailto:jfinberg@altshulerberzon.com)

E-Mail: [ecervantez@altshulerberzon.com](mailto:ecervantez@altshulerberzon.com)

Kelly M. Dermody (SBN 171716)

Jahan C. Sagafi (SBN 224887)

LIEFF, CABRASER, HEIMANN &  
BERNSTEIN, LLP

275 Battery Street, 30<sup>th</sup> Floor

San Francisco, CA 94111-3339

Telephone: (415) 956-1000

Facsimile: (415) 956-1008

E-Mail: [kdermody@lchb.com](mailto:kdermody@lchb.com)

E-Mail: [jsagafi@lchb.com](mailto:jsagafi@lchb.com)

Robert Rubin (SBN 085084)

Diana C. Tate (SBN 232264)

THE LAWYERS' COMMITTEE FOR CIVIL  
RIGHTS OF THE SAN FRANCISCO BAY  
AREA

131 Steuart Street, Suite 400

San Francisco, CA 94105

Telephone (415) 543-9444

Facsimile: (415) 543-0296

E-Mail: [rrubin@lccr.com](mailto:rrubin@lccr.com)

E-Mail: [dtate@lccr.com](mailto:dtate@lccr.com)

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Thomas A. Warren  
THOMAS A. WARREN LAW OFFICES  
2032 Thomasville Rd #D  
Tallahassee, FL 32308-0734  
telephone: (850) 385-1551  
Facsimile: (850) 385-6008  
Email: tw@nettally.com  
Bill Lann Lee (SBN 108452)  
Todd F. Jackson (SBN 202598)  
Vincent Cheng (SBN 230827)  
Lindsay Nako (SBN 239090)  
LEWIS, FEINBERG, LEE, RENAKER &  
JACKSON, P.C.  
1300 Broadway, Suite 1800  
Oakland, CA 94612  
Telephone: (510) 839-6824  
Facsimile: (510) 839-7839  
Email: blee@lewisfeinberg.com  
Email: tjackson@lewisfeinberg.com  
Email: vcheng@lewisfeinberg.com  
Email: lnako@lewisfeinberg.com

Gary Lafayette (SBN 08866)  
LAFAYETTE & KUMAGAI  
100 Spear Street, Suite 400  
San Francisco, CA 94105  
Telephone: (415) 357-4600  
Facsimile: (415) 357-4605  
flafayette@lkclaw.com

Eric Kingsley (SBN 185123)  
KINGSLEY & KINGSLEY  
16133 Venture Blvd., Suite 1200  
Encino, CA 91436  
Telephone: (818) 990-8300  
Facsimile: (818) 990-2903  
Email: kingsleylaw@aol.com

*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 10, 2010 SEYFARTH SHAW LLP

By /s/ Gilmore F. Diekmann  
Gilmore F. Diekmann  
*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: November 15, 2010

  
HONORABLE CLAUDIA WILKEN  
Judge, United States District Court