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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

SYLVIA JOHNSON, individually, and on
behalf of all others similarly situated,

Plaintiffs,

v.

AMERIPRISE FINANCIAL SERVICES,
INC., and DOES 1 through 100, inclusive,

Defendants.

Case No. C 07-03168 PJH

**STIPULATION AND ORDER TO SET
CASE MANAGEMENT CONFERENCE
FOR NOVEMBER 20, 2008**

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Attorneys for Representative Plaintiff Sylvia Johnson
and the Plaintiff Class

1 The parties to this action, through their respective legal counsel, hereby stipulate and
2 agree to the following:

3 1. Plaintiff filed the above-captioned action in state court as a putative class action.
4 Defendant removed the state court action to this court pursuant to the Class Action Fairness Act.
5 (“CAFA”) on or about June 15, 2007.

6 2. The current scheduling order provides that Plaintiff’s motion for class certification
7 and Defendant’s motion for summary judgment are due to be filed by November 26, 2008.

8 3. Plaintiff’s counsel has contacted counsel for Ameriprise Financial Services, Inc.
9 (“Ameriprise Financial”) regarding whether Plaintiff intends to forego the filing of a motion for
10 class certification. Plaintiff’s counsel has expressed that, should it stipulate to dismiss the class
11 claims in this case, the manner in which it does so must be designed to protect the rights of
12 putative class members to ensure they will not be harmed in the process and provide them a time
13 table within which to file individual actions, should they wish to do so. Since that contact, the
14 parties have attempted to negotiate a stipulation which would result in a withdrawal of the class
15 action claims, but have been unsuccessful. Plaintiff believes that a conference with the Court is
16 necessary to help resolve issues about the method by which it may do so.

17 4. Defendant alleges that Plaintiff’s withdrawal of her class action claims would
18 affect any motion for summary judgment and raise jurisdictional issues that must first be resolved
19 before any motion for summary judgment is brought. Defendant therefore requests that the
20 current deadline to file a motion for summary judgment be removed from the calendar. Plaintiff
21 has insufficient facts to either agree with or oppose Defendant’s position.

22 5. The parties request a case status conference before this Court on November 20,
23 2008, at 2:30 p.m. and have scheduled such a conference with this Court’s calendar clerk.

24 6. The parties will submit a joint statement in advance of that settlement conference
25 no later than November 13, 2008.
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1 NOW, THEREFORE, the parties agree as follows: (1) pending the case status
2 conference with the Court on November 20, the deadline for Plaintiff's motion for class
3 certification and Defendant's motion for summary judgment shall be removed from the calendar;
4 (2) Plaintiff requests clarification from the Court regarding the rights of putative class members in
5 the event of a dismissal of the class claims, including a time table within which they must file
6 individual actions, should they wish to do so; (3) Defendant requests clarification from the Court
7 regarding the impact of the withdrawal of class claims on the motion for summary judgment and
8 jurisdictional issues; (4) the parties will submit a joint statement to the Court by November 13,
9 2008; and (5) the parties shall attend a case status conference with the Court on November 20,
10 2008 at 2:30 p.m.

11 Dated: November 12, 2008

12 **DORSEY & WHITNEY LLP**

13
14 By: /s/ Karen E. Wentzel
15 Karen E. Wentzel
16 Attorneys for Defendant AMERIPRISE
FINANCIAL SERVICES, INC.

17 Dated: November 12, 2008

18 **SCOTT COLE & ASSOCIATES, APC**

19
20 By: /s/ Eileen Bissen
21 Eileen Bissen
22 Attorneys for the Representative Plaintiff
and the Plaintiff Class

23 ORDER

24 IT IS SO ORDERED.

25 Date: 11/13/08

26 HON. PHYLLIS J. HAMILTON

