

1 Plaintiffs' Motion To Compel Discovery Responses, submitted via letter brief on
2 December 11, 2008, came on for telephonic hearing on December 23, 2008, and January 15,
3 2009, in the United States District Court for the Northern District of California, the Honorable
4 Claudia Wilken presiding. All parties were represented by counsel and appeared telephonically.

5 Having considered the memoranda and declarations filed by both sides, oral
6 argument of counsel, and the relevant statutory and case law, the Court GRANTS Plaintiffs'
7 Motion and orders as follows:

8 1. Defendant will produce the following by Friday, February 13, 2009, for all
9 positions potentially satisfying the class definition set forth in Plaintiffs' Complaint that have
10 been in effect during the alleged class period:

- 11 a. Job descriptions and job description templates;
- 12 b. Organizational charts; and
- 13 c. Documents describing employee expectations or skillsets (e.g., "Job
14 Level Productivity and Skillset Expectations" documents).

15 2. By no later than Friday, February 20, 2009, counsel for the parties shall
16 meet and confer, and Plaintiffs shall provide Defendant with a list of job titles they reasonably
17 believe in good faith to be encompassed by the class definition ("Specific Job Titles") based their
18 investigation and review of documents produced.

19 3. By no later than Monday, March 16, 2009 (unless the parties submit a
20 **motion** or stipulation and proposed order with a reasonable justification for extending the
21 deadline and such order is granted), which is 60 days after the Court's last hearing on January 15,
22 2009, Defendant shall produce the following "high priority" documents for the Specific Job Titles
23 specified by Plaintiffs:

- 24 a. Documents constituting resources used by employees to perform
25 their job duties, such as training manuals, instruction handbooks, or repositories (e.g., Monsoon);
- 26 b. Performance evaluation forms or exemplars;
- 27 c. Documents reflecting policies governing when and how systems
28 may be worked on or taken off line, such as change control processes (e.g., OpsWare);

1 d. Documents describing any workflow request, assignment or
2 tracking systems (e.g., Wanda and Pac2000); and

3 e. Policy documents such as employee handbooks and policies
4 regarding tasks to be performed or hours worked.

5 5. After March 16, 2009, **on a date to be agreed upon**, Defendant will
6 produce the remaining discovery with respect to all individuals who work or worked in the
7 Specific Job Titles during the class periods set forth in the Complaint.

8 6. The Court makes no ruling on whether a given set of job titles set forth in
9 the discovery process by either side demarcates the appropriate scope of a class to be certified
10 under the relevant collective action or class action certification standards. This Order is without
11 prejudice to Plaintiffs' ability to change (by addition or subtraction) the job titles included in the
12 list of Specific Job Titles after the deadline set forth in ¶ 2, above, should they discover
13 information supporting such a change. In the event that an addition of job title(s) should occur,
14 Defendant shall produce the "high priority" discovery (as set forth in ¶ 3) with respect to any
15 added job title(s) within 60 days.

16 7. Defendant will produce electronic STAMP timekeeping data in summary
17 form, showing individual employee hours totals by time period (such as daily, weekly, or
18 biweekly), via electronic production that allows the recipient to manipulate the data contained
19 therein, such as in Microsoft Excel, with respect to all positions **potentially satisfying the class**
20 **definition** for which Defendant has collected STAMP data to date by Friday, January 23, 2009,
21 and with respect to all individuals in the Specific Job Titles covered in ¶ 2, above, by February
22 27, 2009. This is without prejudice to Plaintiffs' ability to seek complete, non-summary data in
23 electronic form if Plaintiffs believe the summary data are not sufficient, subject to Defendant's
24 showing of burden within two weeks of the date on which Plaintiffs provide notice of their
25 continuing request for complete data.

26 **It is so ORDERED.**

27 1/26/09
28



Honorable Claudia Wilken

United States District Court

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