

LEWIS BRISBOIS BISGAARD & SMITH LLP

CHARLES O. THOMPSON, SB# 139841

Email thompsonc@lbbslaw.com

JAMES Y. WU, SB# 213090

Email wu@lbbslaw.com

JILL V. CARTWRIGHT, SB# 260519

Email cartwright@lbbslaw.com

One Sansome Street, Suite 1400

San Francisco, CA 94104

Telephone: (415) 362-2580

Facsimile: (415) 434-0882

Attorneys for Defendants R+L CARRIERS, INC., and R+L CARRIERS SHARED SERVICES, LLC

THOMPSON HINE LLPANTHONY C. WHITE, ESQ. (*admitted pro hac vice*)Email tony.white@thompsonhine.comO. JUDSON SCHEAF, III, ESQ. (*admitted pro hac vice*)Email jud.scheaf@thomsonhine.comSTEPHANIE M. CHMIEL, ESQ. (*admitted pro hac vice*)Email stephanie.chmiel@thompsonhine.com

41 South High Street, Suite 1700

Columbus, OH 43215-6101

Telephone: (614) 469-3200

Facsimile: (614) 469-3361

Of Counsel for Defendant R+L CARRIERS SHARED SERVICES, LLC

DEUTSCH KERRIGAN & STILES, LLPELLIS B. MUROV, ESQ. (*admitted pro hac vice*)Email emurov@dkslaw.com

755 Magazine Street

New Orleans, LA 70130

Telephone: (504) 581-5141

Facsimile: (504) 566-4055

Of Counsel for Defendant R+L CARRIERS SHARED SERVICES, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

GLENN HILL, and all other similarly situated,

Plaintiff(s),

v.

R+L CARRIERS, INC., a corporation; R+L
CARRIERS SHARED SERVICES, LLC, a
corporation;

Defendants.

CASE NO. C09-01907 CW MEJ

**STIPULATION FOR ORDER
SHORTENING TIME FOR MOTION TO
CONTINUE THE DECERTIFICATION
HEARING**

///

1 Pursuant to Civil Local Rules 6-2 and 7-12, the parties respectfully submit this stipulated
2 request for an order shortening time to notice and brief Defendant R+L Carriers Shared Services,
3 LLC's ("R+L") Motion to Continue the Decertification Hearing (the "Motion to Continue") (filed
4 concurrently herewith). The parties stipulate and request this Court to hear R+L's Motion to
5 Continue at 2:00 p.m. on October 7, 2010. The parties propose that Plaintiff's Opposition to
6 R+L's Motion to Continue be filed and served on or before October 1, 2010, and that R+L's Reply
7 brief be filed and served on or before October 5, 2010.

9 1. For the reasons stated in the following Declaration of James Y. Wu, and based on
10 the impending hearing on class certification/decertification, and in further consideration of the fact
11 that the parties have stipulated to shorten time to hear the Motion To Continue, the parties
12 respectfully assert that good cause exists for the Court to grant this stipulated request to shorten
13 notice.

14 Dated: September 27, 2010

15
16 /s/ James Y. Wu

17 CHARLES O. THOMPSON
18 JAMES Y. WU
19 Attorneys for Defendant
20 R+L CARRIERS SHARED SERVICES, LLC

21 /s/ Robert Nelson

22 ROBERT NELSON, ESQ.
23 NELSON LAW GROUP
24 Counsel for Plaintiffs
25 GLENN HILL and all others similarly situated

26 In accordance with General Order No. 45, Rule X, the above signatory attests that
27 concurrence in the filing of this document has been obtained from the signatory below.

28 /s/ Robert Nelson


ROBERT NELSON, ESQ.
NELSON LAW GROUP
Counsel for Plaintiffs
GLENN HILL and all others similarly situated

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED. The parties' stipulated request for an order shortening time to notice Defendant's Motion To Continue the Decertification Hearing is granted. Plaintiff's Opposition to the Motion shall be filed and served on or before October 1, 2010. Defendant's Reply in support of the Motion shall be filed and served on or before October 5, 2010. The Motion to Continue will be decided on the papers.

Dated: 9/28/2010

By: 
Hon. Claudia Wilken
United States District Court Judge

DECLARATION OF JAMES Y. WU

I, JAMES Y. WU, declare:

1. I am an attorney-at-law admitted to practice in the State of California and before this Court, and am a partner in the law firm of Lewis Brisbois Bisgaard & Smith LLP, counsel for Defendant and R+L CARRIERS SHARED SERVICES, LLC (“R+L”) in this matter. The following information is true and correct and based upon my own personal knowledge, information or belief, and if called upon as a witness, I could and would competently testify thereto.

2. At a Case Management Conference on June 8, 2010, this Court set a December 2, 2010 hearing date for the parties' motions to certify and decertify the class. (Dkt. # 115). Based on the December 2, 2010 hearing date, the parties' moving papers are currently due on or before October 28, 2010.

3. Pursuant to Civil Local Rule 7-2 a regularly noticed motion to continue the December 2, 2010 hearing date requires at least 35-days of notice before the hearing on such motion can be heard.

4. Unless the Court grants the parties' stipulated request to shorten time to hear the Motion to Continue, R+L will be forced to seek a continuance through a regularly noticed motion – which would not be heard and decided until after the current deadline of October 28, 2010, to file initial papers regarding class certification/decertification.

5. Thus, the parties request this Court to hear R+L's Motion to Continue at 2:00 p.m., on October 7, 2010. The parties propose that Plaintiff's Opposition to R+L's Motion to Continue be filed and served on or before October 1, 2010, and that R+L's Reply brief be filed and served on or before October 5, 2010.

///

///

1 6. There have been three prior time modifications in this case:

2 a. August 28, 2009: This Court granted a stipulated continuance for Defendant
3 R+L Carriers, Inc. to file its Motion To Dismiss For Lack of Personal
4 Jurisdiction. (Dkt. #21).

5 b. October 6, 2009: This Court granted a stipulated continuance of the hearing
6 date of Defendant R+L Carrier's, Inc.'s Motion To Dismiss. (Dkt. # 33). The
7 Court ultimately granted the Motion to Dismiss on November 9, 2009 (Dkt. #
8 46).

9 c. April 23, 2010: This Court granted the parties' joint administrative motion to
10 reschedule a Case Management Conference. (Dkt. # 113).
11

12 7. On September 22, 2010, Magistrate Judge James ("Judge James") held that R+L is
13 entitled to production of declarations executed by the Plaintiffs (the "Declarations") as well as
14 individualized discovery. (Dkt. # 203). However, because decertification briefing is scheduled
15 for October 28, 2010, Judge James determined that R+L was only permitted to take fifteen
16 depositions in advance of the decertification briefing deadline on October 28, 2010. *Id*
17

18 8. If this stipulated request is granted, and if the Motion to Continue is also granted,
19 the parties will be able to better comply with Judge James' Order concerning individualized
20 discovery and R+L will be provided a more fair and full opportunity to conduct the discovery to
21 which it is entitled.
22

23 9. The stipulated shortened briefing schedule will not impact the schedule of the case.
24 However, if R+L's underlying Motion to Continue is granted, the deadlines set forth in the Court's
25 Scheduling Order will be modified in accordance with the revised decertification briefing and
26 hearing schedule.
27

1 I declare under penalty of perjury under the laws of the United States of America and the
2 State of California that the foregoing is true and correct.

3
4 Dated: September 24, 2010

_____/s/_____
JAMES Y. WU

5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28