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13 Attorneys for Defendant  
 14 THE GOODYEAR TIRE & RUBBER COMPANY

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 ANDREW M. SCHEIBER, individually  
 18 and on behalf of all others similarly  
 19 situated,

20 Plaintiff,

21 v.

22 THE GOODYEAR TIRE & RUBBER  
 23 COMPANY and DOES 1-10,

24 Defendant.

Case No. C 10-05838 PJH

**STIPULATION AND [~~PROPOSED~~]  
 ORDER EXTENDING MEDIATION  
 COMPLETION DATE AND RELATED  
 DATES**

1           WHEREAS, on or before August 26, 2011, Plaintiff requested a listing of putative  
2 class members so as to obtain a sampling of time records of putative class members.

3           WHEREAS, as indicated in the prior Stipulated Order Continuing Mediation and  
4 Class Certification Dates (Docket No. 24), the Parties believed that the listing of putative class  
5 members would be provided to Plaintiff's counsel by September 16, 2011.

6           WHEREAS, since the Court's prior order of September 15, 2011, the Parties have  
7 worked diligently to investigate the facts of the case and to conduct discovery. Plaintiff has taken  
8 the deposition of Goodyear's "person most knowledgeable" pursuant to FRCP 30(b)(6) and  
9 Goodyear has provided supplemental responses to written discovery (both interrogatories and  
10 requests for production of documents) previously served by Plaintiff and after the Parties met and  
11 conferred on Goodyear's initial responses to that discovery.

12           WHEREAS, on October 4, 2011, Goodyear provided Plaintiff a listing of putative  
13 class members. Plaintiff then engaged a statistician and three days later, on October 7, 2011, gave  
14 Goodyear the sample of 34 putative class members selected for gathering of those putative class  
15 members' time records.

16           WHEREAS, the Parties have learned that the time records are not in an electronic  
17 format. Rather, they are maintained in paper fashion in the various Goodyear stores in which the  
18 employee/class member worked. The records, known as GBMS records, are not kept by employee,  
19 but are maintained by date, in either a folder or binder for each pay period or month in question. The  
20 records at issue date from mid 2006 to August 2008.

21           WHEREAS, gathering these GBMS records has proven to be a time consuming and  
22 difficult task. The records (one page per employee per week) are in various states of organization  
23 and are located in various places within each Goodyear store. Some Goodyear stores have since  
24 closed, many have changed management, and some have external storage sites. Goodyear has been  
25 working diligently to gather the records in question in order to produce them to Plaintiff in a timely  
26 fashion, but to date the records have not yet been produced.

27           WHEREAS, Goodyear has informed Plaintiff that the time records for the 34 putative  
28 class members included in the sample will be delivered to Plaintiff's counsel no later than November

1 28, 2011. Once the time records are received, Plaintiff's counsel will undertake manual entry of the  
2 data from those time records into an electronic spreadsheet in preparation for mediation and class  
3 certification.

4 WHEREAS, in light of the fact that the records have not yet been produced, that they  
5 do not exist in an electronic format, it will take additional time to prepare for the mediation. Once  
6 received, the documents will need to be inputted into an electronic spreadsheet, processed and  
7 analyzed by the Parties. As a result, it has become apparent that the Parties will not be able to  
8 complete mediation by the originally scheduled deadline of November 18, 2011. This Court  
9 previously ordered that the parties attend a mediation session and further ordered that the mediation  
10 session be completed by November 18, 2011, with a post-mediation joint report to be filed by the  
11 Parties by November 22, 2011.

12 WHEREAS, the Parties have agreed to use the Honorable Edward A. Infante (Ret.) of  
13 JAMS as a mediator and have reserved a mediation date of February 22, 2012. Accordingly, the  
14 Parties are requesting a continuance of the mediation completion date, as well as the related  
15 deadlines. Specifically, the Parties request that the Court modify its September 16, 2011 Order and  
16 set the following deadlines:

- 17 • Deadline to complete mediation – February 22, 2012
- 18 • Last day to file a Joint Mediation Status Report – February 29, 2012

19 NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and  
20 between Plaintiff Andrew Scheiber and Defendant Goodyear Tire & Rubber Company, through their  
21 respective counsel, and subject to approval by the Court, that the above deadlines be set.

22 IT IS HEREBY STIPULATED:

23 DATED: November 16, 2011

LITTLER MENDELSON

24  
25 By: /s/ Michele Heverly  
26 Michele Heverly  
27 Attorneys for Defendant  
28 GOODYEAR TIRE & RUBBER CO.

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DATED: November 16, 2011

WESTRUP KLICK, LLP

By: /s/ Mark VanBuskirk  
Mark VanBuskirk  
Attorneys for Plaintiff  
ANDREW SCHEIBER

**ORDER**

PURSUANT TO STIPULATION, IT IS ORDERED:

1. The mediation completion date of November 18, 2011 is CONTINUED to February 22, 2012;
2. The Parties are ORDERED to file a Joint Report on or after February 29, 2012 and inform the Court if the case settled at mediation. In the event that the case did not settle, the Parties are to propose, in their Joint Report, new dates for class certification discovery cutoff and for the briefing schedule on Plaintiff's motion for class certification.

IT IS SO ORDERED.

DATED: 11/21/11

By: \_\_\_\_\_

