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8 **Attorneys for Defendant R+L Carriers, Inc. and**
 9 **R+L Carriers Shared Services, LLC**

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 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA
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15	ROBERT MENDEZ, an individual, RANDY J.)	Case No.:	CV 11-02478-CW
	MARTINEZ, an individual, ANTHONY A.)		
16	HARANG, an individual, KEVIN JOHNSON,)	STIPULATION AND PROPOSED	
	SR., an individual on behalf of all others)	ORDER RE BRIEFING SCHEDULE	
17	similarly situated and the general public,)		
)		
18)		
)		
19	Plaintiffs,)		
)		
20	v.)		
)		
21	R+L CARRIERS, INC.,)		
	a Corporation, R+L CARRIERS SHARED)		
22	SERVICES, LLC, a Corporation, and DOES 1-)		
	10,)		
23)		
)		
24	Defendants.)		
)		

26 It is hereby stipulated by and between Defendants R+L Carriers, Inc. and R+L Carriers
 27 Shared Services, LLC (hereinafter "Shared Services") and Plaintiffs Robert Mendez, Randy J.
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1 Martinez, Anthony A. Harang, and Kevin Johnson, Sr. (hereinafter “Plaintiffs”), (jointly referred
2 to as the “Parties”) by and through their attorneys of record as follows:

3 WHEREAS, on April 5, 2012, Magistrate Judge Corley ordered the Parties to meet and
4 confer regarding: (1) communications with and the use of declarations obtained from putative
5 class members prior to March 23, 2012; and (2) a briefing schedule for Plaintiffs’ Motion for
6 Class Certification and Defendants’ Motion for Summary Judgment/Partial Summary Judgment;

7 WHEREAS the Parties were ordered to submit a stipulation to the court by Monday, April
8 16, 2012, regarding their compromise concerning contacts with putative class members and the
9 use of declarations obtained from putative class members as well as the Parties’ proposed briefing
10 schedule for Plaintiffs’ Motion for Class Certification and Defendants’ Motion for Summary
11 Judgment/Partial Summary Judgment;

12 WHEREAS Shared Services and its counsel deny any wrongdoing in communicating with
13 and obtaining declarations from putative class members and hereby enter into this stipulation
14 solely as a good faith compromise at the behest of this court;

15 The Parties stipulate that a curative letter be sent to all putative class members and are
16 currently seeking the assistance of Magistrate Judge Corley to assist in resolving the terms of this
17 curative letter. The Parties have scheduled a call with Magistrate Judge Corley to take place on
18 April 23, 2012 at 2:00 p.m. In the event that the Parties are unable to come to an agreement as to
19 terms, the Parties anticipate seeking the further assistance of the Court;

20 The Parties agree and stipulate that the curative letter will be sent out to the putative class
21 members by way of U.S. regular mail as soon as the terms of the curative letter are finalized;

22 The Parties agree and stipulate that communications with putative class members, to the
23 extent agreed to under this stipulation, may commence on May 4, 2012, provided the dispute
24 surrounding the curative letter is resolved and the mailing of the curative letter to all class
25 members has been completed. If the dispute concerning the curative letter has not been resolved
26 and/or the mailing of the curative letter has not taken place by May 4, 2012, communications will
27 only commence after the dispute concerning the curative letter is resolved and seven (7) days has
28 lapsed since the mailing of the curative letter;

1 The Parties agree and stipulate that this Court’s March 23, 2012, order temporarily
2 enjoining Shared Services’ communications with the putative class members be lifted subject to
3 the conditions set forth in the above paragraph, such that all precertification communications by
4 Shared Services may resume except as to the approximately 49 putative class members whose
5 declarations were obtained by Shared Services management but not by Shared Services counsel,
6 Wilson, Elser, Moskowitz, Edelman & Dicker, LLP (the “Subset”);

7 The Parties agree and stipulate that Plaintiffs’ counsel may communicate with any
8 individual in the Subset, and counsel for Shared Services may only communicate with those
9 individuals in the Subset from whom Plaintiffs’ counsel obtains declarations. Plaintiffs’ counsel
10 will advise defense counsel by July 3, 2012 of any such declarations obtain from those in the
11 subset;

12 The Parties agree and stipulate that declarations obtained from those in the Subset by
13 Shared Services management may only be used to oppose class certification if Plaintiffs counsel
14 has also obtained declarations from those same individuals in the subset;

15 The Parties agree and stipulate that Plaintiffs will withdraw their motion for a temporary
16 restraining order;

17 The Parties agree and stipulate that Shared Services can utilize declarations obtained by
18 defense counsel for all purposes and the declarations obtained by Shared Services management to
19 the extent agreed to above; and

20 The Parties further agree and stipulate that Shared Services’ motion for summary judgment
21 or partial summary judgment and Plaintiffs’ motion for class certification and will be filed and
22 heard in accordance with the following schedule:

- 23 A. Initial motion filing: July 17, 2012
- 24 B. Filing of oppositions: August 7, 2012
- 25 C. Filing of reply: August 21, 2012
- 26 D. Hearing: September 20, 2012 at 2 p.m.

27 IT IS SO STIPULATED.

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Dated: April 16, 2012

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By: /s/ Diana M. Estrada

David S. Eisen
Diana M. Estrada
Attorneys for Defendants
R+L Carriers, Inc. and
R+L Carriers Shared Services, LLC

Dated: April 16, 2012

LAW OFFICES OF THOMAS W. FALVEY

By: /s/ J.D. Henderson

Thomas W. Falvey
J.D. Henderson
Attorneys for Plaintiffs Robert Mendex, Randy J. Martinez,
Anthony A. Harang, Kevin Johnson, Sr., and on behalf of all
others similarly situated and the general public

Dated: April 16, 2012

ALEXANDER KRAKOW + GLICK LLP

By: /s/ Michael S. Morrison

Martin E. Krakow
Michael S. Morrison
Attorneys for Plaintiffs Robert Mendex, Randy J. Martinez,
Anthony A. Harang, Kevin Johnson, Sr., and on behalf of all
others similarly situated and the general public

****** ORDER ******

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 4/17/2012

United States District Judge