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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**

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6 **CHRISTOPHER SLAIGHT, ET AL.,**

7 Plaintiffs,

8 vs.

9 **TATA CONSULTANCY SERVICES, LTD,**

10 Defendant.

CASE NO. 15-cv-01696-YGR

**ORDER RE: PENDING ADMINISTRATIVE
MOTIONS**

Re: Dkt. Nos. 506, 507, 508

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12 The Court has received and reviewed the administrative motions filed by defendant Tata
13 Consultancy Services, Ltd (“TCS”) (Dkt. Nos. 506, 507) and by plaintiffs (Dkt. No. 508).

14 With respect to TCS’s administrative motion requesting telephone hearing regarding
15 depositions of recently-identified witnesses (Dkt. No. 506), the Court **CLARIFIES** that during the
16 September 21, 2018, the Court did not “rule[] that TCS would be allowed to depose such newly-
17 identified persons” (Dkt. No. 506 at 1), but only provided guidance in light of parties’ then-
18 upcoming meet-and-confer session. Given the parties agreement, which the Court supports, the
19 Court now **ORDERS** that the depositions of the newly-identified witnesses shall last no longer than
20 four (4) hours.

21 Regarding plaintiffs’ administrative motion (Dkt. No. 508), the Court **CLARIFIES** that its
22 September 10, 2018 order requires return of severance payment as a condition to participate in the
23 instant class action. Plaintiffs have not presented newly discovered evidence, shown that the
24 Court committed a clear error, or pointed to an intervening change in the controlling law. *Kona
25 Enters, Inc. v. Estate of Bishop*, 229 F.3d 877, 890 (9th Cir. 2000). Plaintiffs’ reiteration of their
26 arguments in support of their initial motion to invalidate the release agreements do not warrant this
27 “extraordinary remedy, to be used sparingly in the interests of finality and conservation of judicial
28 resources.” *Id.* Accordingly, the Court **DENIES** plaintiffs’ request for leave to file a motion for

1 reconsideration of the Court's September 10, 2018 order.

2 With respect to TCS's administrative motion requesting telephonic hearing regarding
3 update to corrective notice (Dkt. No. 507), the Court **GRANTS IN PART** defendant's request to
4 update the previously-issued corrective notice. The Court has reviewed and revised the proposed
5 update notice, attached herein as Exhibit A. The Court believes the revisions provide the best
6 practicable approach under the circumstances as to protect the effected class members. A redlined
7 editable version of the proposed update notice will be sent as a courtesy via email to counsel of
8 record. The Court will discuss the revisions to the proposed update notice during the telephone
9 conference currently scheduled for 11 a.m. on Monday October 1, 2018 unless the parties jointly
10 agree to this approach in advance, in which case, the revised notice may be issued. Additionally,
11 as noted during the September 21, 2018 telephone conference, the parties should be prepared to
12 discuss their progress with respect to the deadlines articulated in the Court's Pretrial Orders No. 1
13 and 2, found at Docket Numbers 431 and 495.

14 This Order terminates Docket Numbers 506, 507, and 508.

15 **IT IS SO ORDERED.**

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17 Dated: September 27, 2018



YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE

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EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

CHRISTOPHER SLAIGHT, ET AL.,

Plaintiffs,

vs.

TATA CONSULTANCY SERVICES, LTD,

Defendant.

CASE No. 15-cv-01696-YGR

CLASS ACTION

UPDATE REGARDING CORRECTIVE NOTICE
TO CLASS MEMBERS

TO: ALL POTENTIAL CLASS MEMBERS WHO SIGNED SEPARATION AND
RELEASE AGREEMENTS WITH TATA CONSULTANCY SERVICES, LTD. (“TCS”):

You are receiving this notice because you are a potential class member in the class action lawsuit *Slaight, et al. v. Tata Consultancy Services, Ltd.*, No. 4:15-cv-1696-YGR. The class in this lawsuit is defined as “All individuals who are not of South Asian race or Indian national origin who were employed by TCS in the United States, were subject to a policy or practice of benching and allocation, were placed in an unallocated status and were terminated between April 14, 2011 and December 27, 2017 and who are not bound by an arbitration agreement with TCS.”

You may or may not be part of this class.

Records produced in the case indicate that you signed a Separation and Release Agreement (“Release Agreement”) with TCS agreeing to waive any and all legal claims against TCS in exchange for a monetary severance payment. As you were previously notified, the Court has found that if you fall under the definition of a class member, you may participate in this lawsuit even though you signed a Release Agreement. **However, the Court has recently determined that if you choose to participate in this lawsuit, you will be obligated to return the settlement payment that you received pursuant to the Release Agreement. You have two options:**

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1. Do Nothing:

If you DO NOTHING and thereby keep the settlement payment you previously received, you will be deemed to have opted-out of the Class, you will retain your settlement payment, and your Release Agreement will remain in full effect.

2. Participate and Return Severance:

You may choose to participate in the lawsuit. To do so, you must contact Class Counsel at (202) 922-6148 or ClassCounsel@kotchen by **Friday, November 2, 2018** and return the severance payment. Because you are returning the severance payment, your Release Agreement will be deemed VOID and RESCINDED.

The Court takes no position in this case as to the parties' claims and has not issued any determinations regarding the merits of the lawsuit. You are being sent this update to the previously-issued Corrective Notice to allow you to make an informed choice as to whether you wish to participate in the lawsuit in light of your Release Agreement. The decision is yours.

If you have any questions with respect to this action or about this Corrective Notice, you may direct such questions to Class Counsel. They may be contacted at (202) 922-6148 or ClassCounsel@kotchen.com.

YOU SHOULD NOT CONTACT THE COURT OR TCS WITH QUESTIONS.

**THIS NOTICE AND ITS CONTENT HAVE BEEN APPROVED BY
JUDGE YVONNE GONZALEZ ROGERS,
U.S. DISTRICT COURT, NOTHERN DISTRICT OF CALIFORNIA.**

Dated: September _