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17 CINTAS CORPORATION and  
18 PLAN ADMINISTRATOR FOR THE  
19 CINTAS PARTNERS' PLAN

20 UNITED STATES DISTRICT COURT  
 21 NORTHERN DISTRICT OF CALIFORNIA  
 22 SAN JOSE DIVISION

22 PAUL VELIZ, et al., On behalf of  
23 Themselves and All Others Similarly  
24 Situated,

24 Plaintiffs,

25 vs.

26 CINTAS CORPORATION, et al,

27 Defendants.  
28

Case No. 03-01180 (RS)  
E-FILING

CLASS ACTION

**STIPULATION AND ORDER REGARDING  
IMPLEMENTATION OF THE DISCOVERY  
MAGISTRATE'S ORDER RE:  
PLAINTIFFS' TIME RECORDS**

1 WHEREAS, the parties' respective counsel have conferred about the matters which are  
2 the subject of this Stipulation, pertaining to the implementation of the discovery Magistrate  
3 Judge's Order Re: Plaintiffs' Time Records (Dkt. 896)("the discovery Order");

4 WHEREAS, after defendant Cintas Corporation ("Cintas") filed objections (Dkt 899) to  
5 the discovery Order, the presiding judge issued an Order (Dkt 902) requiring Plaintiffs to file a  
6 written response to the objections to the discovery Order, and after Plaintiffs did so (Dkt 920),  
7 on September 2, 2008 the presiding judge issued an Order Overruling Defendant's Objections to  
8 Order Regarding Plaintiffs' Time Records (Dkt 957);

9 WHEREAS, Cintas states that it has been diligently searching for any remaining but as  
10 yet unproduced time records, and any remaining but as yet unproduced documents showing any  
11 modifications by Cintas to those records, regarding the litigating plaintiffs on the list of 30  
12 persons previously provided by Plaintiffs' counsel to Cintas' counsel pursuant to the discovery  
13 Order;

14 WHEREAS, Cintas notes that Plaintiffs' counsel have not yet stated which Plaintiffs  
15 and/or other persons Plaintiffs intend to call as witnesses at trial, and are not required to do so  
16 until the Joint Pretrial Statement is filed on March 2, 2009 pursuant to the Court's Order (Dkt .  
17 841), and Cintas notes that in view of the foregoing and other factors, Cintas does not yet know  
18 what documents it will intend to use for impeachment in this litigation;

19 NOW, THEREFORE, the parties hereto, by and through their respective undersigned  
20 counsel, hereby stipulate to an Order as follows:

21  
22 1. By September 30, 2008, Cintas shall produce any remaining but as yet  
23 unproduced time records, and any remaining but as yet unproduced documents showing any  
24 modifications by Cintas to those time records, maintained on paper and referring to time worked  
25 through August 15, 2008, regarding the litigating plaintiffs on the list of 30 persons which has  
26  
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1 been previously provided by Plaintiffs' counsel to Cintas' counsel on August 18, 2008, that  
2 Cintas intends to use or could use for impeachment or any other purpose in this litigation.

3         2. By October 15, 2008, Cintas shall produce any remaining but as yet unproduced  
4 time records, and any remaining but as yet unproduced documents showing any modifications by  
5 Cintas to those time records, maintained electronically and referring to time worked through  
6 August 15, 2008, regarding the litigating plaintiffs on the list of 30 persons which has been  
7 previously provided by Plaintiffs' counsel to Cintas' counsel, that Cintas intends to use or could  
8 use for impeachment or any other purpose in this litigation.

9  
10         3. Based on the current trial schedule, Cintas shall produce by the later of (a)  
11 January 26, 2009 or (b) five weeks prior to the date on which the parties must identify their  
12 witnesses for trial – which date is currently set for March 2, 2009 (Dkt 841), any remaining but  
13 as yet unproduced time records and any remaining but as yet unproduced documents showing  
14 any modifications by Cintas to those time records regarding any other litigating plaintiffs, that  
15 Cintas intends to use or could use for impeachment or any other purpose in this litigation.

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17         4. Cintas shall have the right to supplement its production hereunder, at reasonable  
18 intervals prior to trial, of time records and documents showing any modifications by Cintas to  
19 those time records relating to time worked after August 15, 2008, as to those litigating plaintiffs  
20 regarding whom Cintas previously produced documents pursuant to the discovery Order and the  
21 above-stated provisions and who are still employed as SSRs at Cintas after August 15, 2008.

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23         5. Nothing in the discovery Order shall bar the use by Cintas of materials produced  
24 to Plaintiffs prior to entry of the discovery Order or timely produced to Plaintiffs pursuant to any  
25 of paragraphs 1-4 above.

26         6. No part of this Stipulation is effective unless the Honorable Maria-Elena James  
27 accepts it in its entirety, by entering the Order as set forth therein.  
28

1 7. This Stipulation is entered into only for purposes of this action. As a negotiated  
2 resolution of disputed matters in this action, the matters set forth herein may not be used for any  
3 purpose other than in this action by a party hereto. This Stipulation does not constitute any  
4 admission on the part of anyone.

5 IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

6 Dated: September 30, 2008

SQUIRE, SANDERS & DEMPSEY, L.L.P.

7 By: \_\_\_\_\_/s/  
8 Joseph A. Meckes

9 Attorneys for Defendants  
10 CINTAS CORPORATION and  
11 PLAN ADMINISTRATOR FOR THE  
12 CINTAS PARTNERS' PLAN

13 Dated: September 30, 2008

COUGHLIN STOIA GELLER RUDMAN &  
ROBBINS L.L.P., and

14 ALTSHULER, BERZON LLP, and  
15 TRABER & VOORHEES

16 By: \_\_\_\_\_/s/  
17 James A. Caputo

18 Attorneys for Plaintiffs  
19 PAUL VELIZ et al

20  
21 **ORDER**

22 Pursuant to Stipulation, IT IS SO ORDERED.

23 Dated: October 1, 2008  
24 \_\_\_\_\_

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27 MARIA-ELENA TORRES  
28 United States Magistrate Judge

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**PROOF OF SERVICE**

I, Mary Ann Mendoza, am employed in the County of San Francisco, State of California. I am over the age of 18 and not a party to the within action; my business address is One Maritime Plaza, Third Floor, San Francisco, California 94111-3492.

On September 30, 2008, I served the foregoing document described as:

**STIPULATION AND ORDER REGARDING IMPLEMENTATION OF THE DISCOVERY MAGISTRATE’S ORDER RE: PLAINTIFFS’ TIME RECORDS**

VIA UNITED STATES DISTRICT COURT ELECTRONIC FILING SERVICE ON THE PARTIES AS SET FORTH BELOW.

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Executed on September 30, 2008, at San Francisco, California. I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

/s/

\_\_\_\_\_  
Mary Ann Mendoza