

1 Teresa S. Renaker – CA State Bar No. 187800  
 trenaker@lewisfeinberg.com  
 2 Jeffrey Lewis – CA State Bar No. 66587  
 jlewis@lewisfeinberg.com  
 3 Catha Worthman – CA State Bar No. 230399  
 cworthman@lewisfeinberg.com  
 4 LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.  
 1330 Broadway, Suite 1800  
 5 Oakland, CA 94612  
 Telephone: (510) 839-6824  
 6 Facsimile: (510) 839-7839

7 Steven M. Tindall – CA State Bar No. 187862  
 steventindall@rhdtdlaw.com  
 8 Carole Vigne – CA State Bar No. 251829  
 carolevigne@lewisfeinberg.com  
 9 RUKIN HYLAND DORIA & TINDALL LLP  
 100 Pine Street, Suite 725  
 10 San Francisco, CA 94111  
 Telephone: (415)421-1800  
 11 Facsimile: (415) 421-1700

12 Robert E. Mangels  
 RMangels@jmbm.com  
 13 Susan Allison  
 SAllison@jmbm.com  
 14 Jeffer, Mangels, Butler & Marmaro LLP  
 1900 Avenue of the Stars, 7th Floor  
 15 Los Angeles, California 90067  
 Telephone: (310) 785-5303  
 16 Facsimile: (310) 712-3303  
 Attorneys for Defendant  
 17 Towers, Perrin, Forster & Crosby, Inc.

18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN JOSE DIVISION

21 THOMAS A. PAULSEN, et al.

22 Plaintiffs,

23 v.

24 CNF, INC., et al.

25 Defendants.  
 26  
 27

CASE NO. C 03-03960 JW (PVT)

**STIPULATION AND ORDER  
 RE: DEPOSITION SCHEDULE**

1 Pursuant to Northern District of California Local Rules 6-2, 7-12 and 30-1, the Parties  
2 stipulate as set forth below.

3 WHEREAS, the Court entered its latest Scheduling Order in this matter on July 13, 2010  
4 (Dkt. #222);

5 WHEREAS, under that Scheduling Order, the close of fact discovery is currently scheduled  
6 for September 20, 2010 (*See* Dkt. #222, at 3);

7  
8 WHEREAS, the Parties have scheduled two depositions in August, and ten depositions in  
9 September, including multiple depositions of third parties to the case as well as current and former  
10 employees of Towers, Perrin, Forster & Crosby, Inc. (“Towers Perrin”)<sup>1</sup>;

11 WHEREAS, despite repeated attempts to do so, the Parties were not able to schedule the  
12 September depositions earlier due to scheduling conflicts;

13  
14 WHEREAS, there are still up to seven additional depositions Plaintiffs intend to schedule,  
15 including depositions of certain additional current and former employees of Towers Perrin;

16 WHEREAS, counsel for Towers Perrin represents at least one of the further witnesses  
17 whose deposition has yet to be scheduled (current Towers Perrin employee, Steven Gamble), and  
18 has indicated that it may represent two additional witnesses (former Towers Perrin employees,  
19 Erika Liska and Paul Kim), but does not now represent the other former Towers employees whose  
20 depositions Plaintiffs wish to schedule;

21  
22 and WHEREAS, scheduling depositions soon after September 20, 2010 will not affect the  
23 remainder of the case schedule, so long as those depositions are scheduled as soon as possible after  
24 that date;

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26  
27 <sup>1</sup> Towers Perrin is now Towers Watson, pursuant to a recent corporate merger.  
28

1 IT IS HEREBY AGREED AND STIPULATED BY THE PARTIES, if the Court approves,  
2 as follows:

3 (1) The deposition of Steven Gamble, a current Towers Perrin employee, will be  
4 scheduled for September 22, 2010 in Seattle; provided, however, that Plaintiffs reserve the right to  
5 notice the deposition for an earlier date if the Court does not so approve;  
6

7 (2) Depositions of Erika Liska and Paul Kim, former Towers Perrin employees, may be  
8 scheduled for the week of September 20, 2010, subject to their availability, provided that they wish  
9 to be represented by counsel for Towers Perrin; and further provided that Plaintiffs reserve the right  
10 to subpoena them for earlier dates if, by August 30, 2010, there is no confirmation of their  
11 representation by counsel for Towers Perrin or of their availability;  
12

13 (3) If Erika Liska and Paul Kim are unavailable until after the week of September 20,  
14 2010, and if they are represented by counsel for Towers Perrin, then their depositions will be  
15 conducted on the first date that they are available following September 20, 2010, but in any event  
16 before October 1, 2010; and

17 (4) No agreement is reached regarding the remaining four depositions Plaintiffs intend to  
18 take, as counsel for Towers Perrin does not represent the remaining potential witnesses at this time.  
19 It is understood that Plaintiffs will subpoena their depositions for a date prior to September 20,  
20 2010.  
21

22 The Parties respectfully request that the Court approve this stipulation as soon as possible  
23 before the current close of fact discovery now set for September 20, 2010.  
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