

1 STEPHEN C. TEDESCO, Bar No. 130325
 KIMBERLY L. OWENS, Bar No. 233185
 2 LITTLER MENDELSON
 A Professional Corporation
 3 650 California Street
 20th Floor
 4 San Francisco, CA 94108.2693
 Telephone: 415.433.1940
 5 Facsimile: 415.399.8490
 E-mail: stedesco@littler.com; kowens@littler.com

6 Attorneys for Defendant
 7 MILGARD MANUFACTURING, INC.

8 STAN S. MALLISON, Bar No. 184191
 HECTOR R. MARTINEZ, Bar No. 206336
 9 LAW OFFICES OF MALLISON & MARTINEZ
 1042 Brown Avenue, Suite A
 10 Lafayette, CA 94549
 Telephone: 925.283.3842
 11 Facsimile: 925.283.3426
 E-mail: StanM@MallisonLaw.com;
 12 HectorM@MallisonLaw.com

13 Attorneys for Plaintiffs
 14 JOSE FERNANDO RAMIREZ, EVERARDO
 MONTEJANO & SERGIO JACOBO

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15 UNITED STATES DISTRICT COURT
 16 NORTHERN DISTRICT OF CALIFORNIA
 17 SAN JOSE DIVISION

18 JOSE FERNANDO RAMIREZ,
 19 EVARARDO MONTEJANO, and
 SERGIO JACOBO, on behalf of a class of
 20 similarly situated employees,

21 Plaintiffs,

22 v.

23 MILGARD MANUFACTURING INC.,
 24 Defendant.

Case No. C 07-02408 RMW [ECF]

**JOINT DISCOVERY PLAN &
 [XXXXXXXXXXXXXX] ORDER REGARDING
 DISCOVERY & FILING OF FIRST
 AMENDED COMPLAINT**

Date: January 25, 2007
 Time: 10:30 a.m.
 Place: Courtroom 6, 4th Floor
 Judge: Hon. Ronald M. Whyte

1 The parties to the above-entitled action hereby submit the following joint discovery
2 plan pursuant to the Court's order after the case management conference held on December 7, 2007.
3 The parties will be appearing for a further case management conference on January 25, 2008, and
4 respectfully request the Court to order that further discovery in this case be conducted as outlined
5 below.

6 Defendant has asserted that modifications of the discovery rules and limitations on
7 the scope of discovery are necessary in this case because the putative class is not yet ascertainable
8 and may consist of up to 3000 current and former employees. Defendant has already produced more
9 than 13,000 pages of documents.

10 The parties have agreed that Defendant's preliminary discovery obligations at this
11 stage of the litigation shall be limited to the following:

12 (1) Produce an electronic copy of the Kronos time records for all putative class
13 members in California for relevant time period. The Parties are continuing to meet and confer in
14 order to reach an agreement upon the most efficient format for the information to be produced.

15 (2) Produce an electronic copy of payroll information for all putative class members
16 in California for relevant time period. The Parties are continuing to meet and confer in order to
17 reach an agreement upon the most efficient format for the information to be produced.

18 (3) Produce copies of all written meal and rest break schedules used for non-exempt
19 employees at any Milgard facility in California for relevant time period.

20 (4) Produce any documents that evidence when rest and/or meal periods occur.

21 (5) Produce any releases relevant to Defendant's affirmative defense.

22 (6) Produce any manual or policies relevant to timekeeping, hours of week, and meal
23 and rest breaks.

24 (7) Produce any policies, memoranda given to employees, and/or instruction with
25 regard to calculation of bonus.

26 (8) A Human Resources organizational chart.

27 Defendants shall provide these documents to Plaintiffs at the earliest possible time.
28 However, the parties recognize that compiling this information is a time consuming process.

1 Therefore, Defendant shall have until March 1, 2008 to provide the above-referenced documents to
2 Plaintiffs. Should Defendants require additional time, the parties agree to meet and confer in good
3 faith regarding an extension. Plaintiffs shall grant an extension if Defendants have good faith reason
4 for requesting one.

5 The parties agree that, at this time, Defendant need not further respond to Plaintiffs'
6 Request for Production of Documents (served on or about November 28, 2007), except for
7 producing the documents referenced above. Should Plaintiffs require a further response at a later
8 date, Plaintiffs shall obtain an agreement from Defendant or an order from the Court. The parties
9 agree to meet and confer before requesting that this Court modify this discovery plan in a way that
10 would provide for additional discovery requests.

11 In addition, the parties will meet and confer regarding job classifications that should
12 be excluded from discovery at this stage of the litigation.

13 Defendant has not yet received any discovery from Plaintiffs. Plaintiffs agree to
14 produce copies of all documents referenced in their initial disclosures to Defendant by March 1,
15 2008. In addition, Plaintiffs will produce copies of all additional documents disclosed in any future
16 supplements to their initial disclosures.

17 Defendant has also requested to take the depositions of the named Plaintiffs, Jose
18 Fernando Ramirez, Everardo Montejano and Sergio Jacobo. The parties agree that Defendant may
19 depose Plaintiffs in March 2008. Plaintiffs request that all documents requested from Defendant in
20 this discovery plan be produced no later than 20 days before the depositions of the named Plaintiffs.
21 Plaintiffs may also request to take depositions of Defendant. The parties will confer on mutually
22 agreeable dates for any and all depositions.

23 The parties reserve the right to take additional discovery regarding class certification
24 issues and will meet and confer about any such discovery. In addition, should a class be certified in
25 the future under Federal Rule of Civil Procedure 23, which Defendant opposes, the parties will meet
26 and confer further regarding the scope of discovery and will submit an additional discovery plan to
27 the Court, which shall be submitted jointly if the parties are able to reach agreement.

1 In addition, the parties request the Court to order that Plaintiffs may file their
2 proposed First Amended Complaint, as stipulated by the Parties on November 9, 2007.

3 IT IS SO STIPULATED.

4 DATED: January 22, 2008

/s/ Stan S. Mallison
STAN S. MALLISON
LAW OFFICES OF MALLISON & MARTINEZ
Attorneys for Plaintiffs
JOSE FERNANDO RAMIREZ, EVERARDO
MONTEJANO & SERGIO JACOBO

8 DATED: January 22, 2008

/s/ Stephen C. Tedesco
STEPHEN C. TEDESCO
KIMBERLY L. OWENS
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
MILGARD MANUFACTURING, INC.

12 PURSUANT TO STIPULATION, IT IS SO ORDERED.

14 DATED: _____

THE HONORABLE RONALD M. WHYTE
United States District Court Judge


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In addition, the parties request the Court to order that Plaintiffs may file their proposed First Amended Complaint, as stipulated by the Parties on November 9, 2007.

IT IS SO STIPULATED.

DATED: January 22, 2008


STAN S. MALLISON
LAW OFFICES OF MALLISON & MARTINEZ
Attorneys for Plaintiffs
JOSE FERNANDO RAMIREZ, EVERARDO
MONTEJANO & SERGIO JACOBO

DATED: January 22, 2008

/s/
STEPHEN C. TEDESCO
KIMBERLY L. OWENS
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendant
MILGARD MANUFACTURING, INC.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 2/6/08


THE HONORABLE RONALD M. WHYTE
United States District Court Judge

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