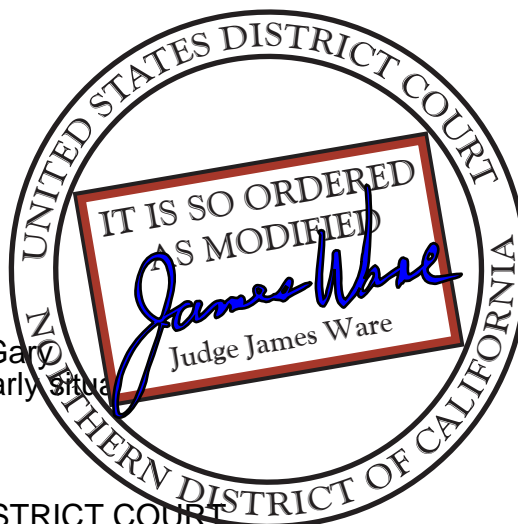


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5 Attorneys for Plaintiffs
 6 Juan Diaz, Keith Keesling, Christopher Murphy, Gary
 Weekley, Karen Allen and other employees similarly situated



8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN JOSE DIVISION

12 JUAN DIAZ, KEITH KEESLING,
 13 CHRISTOPHER MURPHY, GARY
 14 WEEKLEY, KAREN ALLEN and other
 employees similarly situated,

15 Plaintiffs,

16 v.

17 CITY OF SAN JOSE,

18 Defendant.

Case Number: C07-06424 JW

**JOINT CASE MANAGEMENT
 CONFERENCE STATEMENT
 ORDER VACATING PRELIMINARY
 PRETRIAL CONFERENCE;
 SETTING STATUS CONFERENCE
 RE: SETTLEMENT**

20 Pursuant to the Court's June 25, 2009 Order Continuing Preliminary Pretrial
 21 Conference, the parties hereby submit the following Joint Preliminary Pretrial Statement. As
 22 this Court is aware, this is a Fair Labor and Standards Act case in which the Plaintiffs are
 23 asserting, based on several different theories, that Defendant City of San Jose has not paid
 24 Plaintiff firefighters overtime consistent with the Fair Labor and Standards Act for the last
 25 several years. The City denies these allegations.

26 Since the parties last submitted a joint pretrial conference statement on June 19,
 27 2009, the parties have made significant progress in their ongoing settlement discussions.
 28 Although all of the details are not, as yet, worked out, the parties are in tentative agreement

1 ATTESTMENT OF CONCURRENCE PER GENERAL ORDER 45 FOR FILING:

2 I attest that concurrence in the filing of this document by the signatories, Robert
3 Fabela and Carol Koenig, has been obtained, and that a record of the concurrence shall be
4 maintained at the Office of the City Attorney.

5 Date: August 21, 2009

By: _____/s/
CAROL L. KOENIG

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CASE MANAGEMENT [PROPOSED] ORDER

Based on the representations in the parties' Joint Statement, the Court finds good cause to VACATE the Preliminary Pretrial Conference currently set for August 31, 2009. The Court sets a Status Conference re: Settlement for **November 2, 2009 at 10 a.m.** On or before **October 23, 2009**, the parties shall file a Joint Status Statement to update the Court on the progress of their settlement.

Dated: August 31, 2009



JAMES WARE
United States District Judge

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