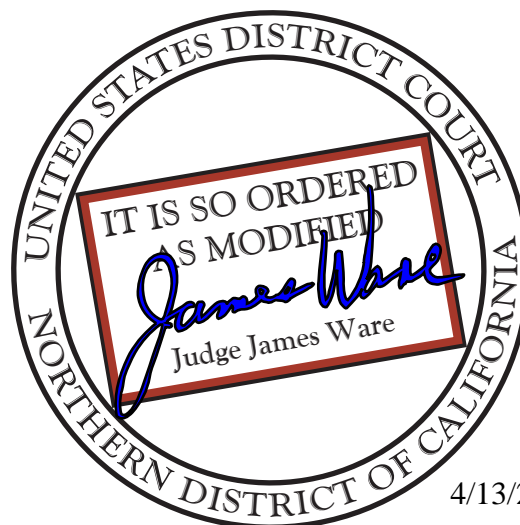


BRIAN R. STRANGE (SBN 103252)  
*lacounsel@earthlink.net*  
 GRETCHEN CARPENTER (SBN 180525)  
*gcarpenter@strangeandcarpenter.com*  
 STRANGE & CARPENTER  
 12100 Wilshire Blvd., Suite 1900  
 Los Angeles, CA 90025  
 Telephone: 310-207-5055  
 Fax: 310-826-3210

RANDALL S. ROTHSCHILD (SBN 101301)  
*randy.rothschild@verizon.net*  
 RANDALL S. ROTHSCHILD, A P.C.  
 12100 Wilshire Blvd., Suite 800  
 Los Angeles, CA 90025  
 Telephone: 310-806-9245  
 Fax: 310-988-2723



4/13/2010

Attorneys for Plaintiffs Vivian Fiori Ariza and Roggie Trujillo

**UNITED STATES DISTRICT COURT**  
**FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
**SAN JOSE DIVISION**

VIVIAN FIORI ARIZA and ROGGIE  
 TRUJILLO, on behalf of themselves and all  
 others similarly situated,

Plaintiffs,

vs.

DELL INC., a corporation; BANCTEC, INC.,  
 a corporation; WORLDWIDE  
 TECHSERVICES, LLC, an entity; DELL  
 CATALOG SALES, L.P., an entity; DELL  
 PRODUCTS, L.P., an entity; DELL  
 MARKETING L.P., an entity; DELL  
 MARKETING L.P., LLC, an entity; DELL  
 MARKETING G.P., LLC, an entity; DELL  
 USA, L.P., an entity; and DOES 1 Through  
 10,

Defendants.

**Case No. C09 01518 JW**

**STIPULATION TO STAY CASE;**  
**[PROPOSED] ORDER**

**CLASS ACTION**

Assigned to the Honorable James Ware,  
 Courtroom 8

Action filed on April 7, 2009

1 WHEREAS, the parties have recently agreed to participate in mediation in order to  
2 discuss the possibility of settlement;

3 WHEREAS, the parties anticipate that it will take some time to agree on a mediator and  
4 make necessary arrangements and preparations for mediation;

5 WHEREAS, Plaintiffs have filed a motion for class certification, which is currently set  
6 for hearing on June 21, 2010;

7 WHEREAS, under the current schedule, Defendants' oppositions to Plaintiffs' motion for  
8 class certification are due by May 28, 2010, and Plaintiffs' replies are due by June 7, 2010;

9 WHEREAS, this Court has also set a hearing on Defendants' anticipated motions for  
10 summary judgment on the same day, June 21, 2010;

11 WHEREAS, under the current schedule, Defendants' motions for summary judgment are  
12 due by May 17, 2010; Plaintiffs' oppositions are due by May 28, 2010; and Defendants' replies  
13 are due by June 7, 2010;

14 WHEREAS, the parties are diligently litigating this case, including conducting substantial  
15 discovery, in anticipation of briefing and hearing of these two motions; and

16 WHEREAS, in order to conserve the resources of the Court and the parties while the  
17 parties discuss the possibility of settlement, the parties request that the June 21, 2010 hearing  
18 date on Plaintiffs' motion for class certification and Defendants' anticipated motions for  
19 summary judgment be vacated (to be rescheduled at a later date, if necessary) and that this case  
20 be stayed for a period of 60 days, at which time the parties will update the Court on the status of  
21 settlement discussions and request a further stay, if appropriate.

22 THEREFORE, the parties hereby stipulate, subject to Court approval, that the June 21,  
23 2010 hearing date on Plaintiffs' motion for class certification and Defendants' anticipated  
24 motions for summary judgment be vacated (to be rescheduled at a later date, if necessary) and

25 ///

26 ///

27 ///

28 ///

1 that this case be stayed for a period of 60 days, at which time the parties will update the Court on  
2 the status of settlement discussions and request a further stay, if appropriate.

3 DATED: April \_\_\_, 2010

Respectfully Submitted,  
STRANGE & CARPENTER

4  
5 By: /s/  
6 Brian R. Strange  
7 Gretchen Carpenter  
8 Attorneys for Plaintiffs

9 DATED: April \_\_\_, 2010

REEVES & BRIGHTWELL, LLP

10 By: /s/  
11 Paul Schlaud  
12 Attorneys for Dell Defendants

13 DATED: April \_\_\_, 2010

ROBERTS RASPE & BLANTON, LLP

14 By: /s/  
15 Michael Blanton  
16 Attorneys for Defendants Banctec,  
17 Inc. and Worldwide Techservices,  
18 LLC,

19 **IT IS SO ORDERED AS MODIFIED:**

20 The hearing on the current class certification motions are vacated and terminated from the docket  
21 (Docket Item Nos. 102, 103, 113, 114). Plaintiffs may renote its motions after the 60 day stay  
22 for any available fall date on the Court's calendar.

23 Dated: April 13, 2010

24   
25 United States District Judge

26  
27 By: /s/  
28 Gretchen Carpenter

I am employed in the county of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is:

On April 12, 2010, I served the forgoing document, described as:

on the interested parties in this action: [ X ] ECF or [ ] by placing  
[ ] the original [ ] a true copy thereof to in an envelope addressed only as follows:

Paul W. Schlaud, Esq.  
Matthew Frederick, Esq.  
**REEVES & BRIGHTWELL LLP**  
221 West 6<sup>th</sup> Street, Suite 1000  
Austin, TX 78701-3410  
Tel: 512-334-4504  
Fax: 512-334-4492  
pschlaud@reevesbrightwell.com  
mfrederick@reevesbrightwell.com

Michael Blanton, Esq.  
Roberts Raspe & Blanton, LLP  
445 S. Figueroa, Suite 3200  
Los Angeles, California 90071  
mblanton@rrbllp.com

*Counsel for Defendants BancTec, Inc. and QualxServ LLC*

1 Randall S. Rothschild, Esq.  
2 *randy.rothschild@verizon.net*  
3 12100 Wilshire Blvd., Suite 800  
4 Los Angeles, CA 90025  
5 Tel: 310-806-9245  
6 Fax: 310-988-2723

7 *Co-Counsel for Plaintiffs*

8 **[ X ] VIA ECF**

9 **[ ] VIA U.S. FIRST CLASS MAIL**

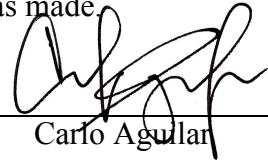
10 **[ ]** I deposited such an envelope in the mail at Los Angeles, California. The envelope was  
11 mailed with postage thereon fully prepaid.

12 **[ X ]** As follows: I am "readily familiar" with the firm's practice of collection and processing  
13 correspondence for mailing. Under that practice it would be deposited with U.S. postal service  
14 on that same day with postage thereon fully prepaid at Los Angeles, California. I am aware that  
15 on motion of party served, service is presumed invalid if postal cancellation date or postage  
16 meter date is more than one day after date of deposit for mailing in affidavit.

17 **[ ] BY PERSONAL SERVICE**

18 I delivered such envelope by hand to the addressee.  
19 Executed on April 12, 2010, at Los Angeles, California.

20 **[ X ] (Federal)** I declare that I am employed in the office of a member of the bar of this  
21 court at whose direction the service was made.

22  
23  
24  
25  
26  
27  
28  
  
\_\_\_\_\_  
Carlo Aguilar