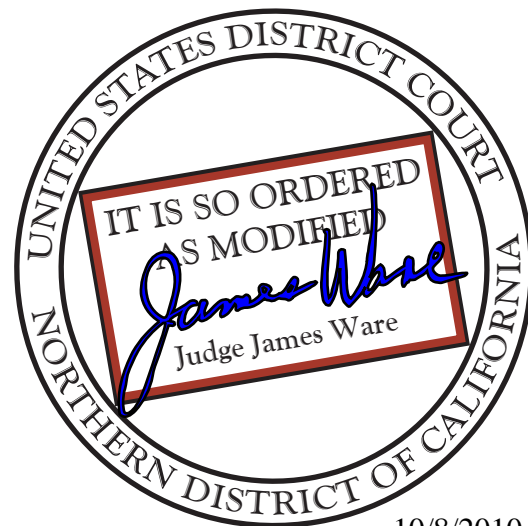


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10/8/2010

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

VIVIAN FIORI ARIZA, and ROGGIE
TRUJILLO,

Plaintiffs,

v.

DELL INC., et al.,

Defendants.

Case No. 09 CV 01518 JW

**STIPULATION TO RESCHEDULE
HEARING DATE FOR PRELIMINARY
APPROVAL OF CLASS SETTLEMENT AND
TO RESCHEDULE DATE FOR
SUBMISSION OF PRELIMINARY
APPROVAL MOTION; [PROPOSED]
ORDER**

CLASS ACTION

Assigned to the Honorable Judge James Ware,
Courtroom 8

Action filed April 7, 2009

1 WHEREAS, in their Stipulation to Stay Case, filed April 12, 2010, the parties requested
2 that the Court vacate all pending briefing deadlines and hearing dates and stay this case for 60
3 days to facilitate mediation;

4 WHEREAS, in their Stipulation to Extend Stay of Case, filed June 10, 2010, the parties
5 requested that the stay of this case be extended for a period of 33 days, until July 15, 2010, at
6 which time the parties would advise the Court of the status of settlement discussions and request a
7 further stay, if appropriate.
8

9 WHEREAS, in a Joint Status Report filed July 15, 2010, the parties informed the Court
10 that they had reached a settlement in principle to resolve this case;

11 WHEREAS, on September 15, 2010, the Court entered an Order Vacating Preliminary
12 Pretrial Conference and Setting Hearing for Preliminary Approval of Class Settlement;

13 WHEREAS, in its September 15, 2010 Order the Court set October 18, 2010 at 9:00 a.m
14 as the hearing date for Preliminary Approval of Class Settlement, and further Ordered that the
15 parties shall file their Joint Motion for Preliminary Approval and all supporting documents on
16 October 4, 2010;
17

18 WHEREAS, on September 24, 2010, the parties stipulated, subject to Court approval, that
19 the hearing date for Preliminary Approval of Class Settlement be set for October 25, 2010, and
20 that the Joint Motion for Preliminary Approval and all supporting documents be filed on October
21 11, 2010;
22

23 WHEREAS, on September 28, 2010, the Court entered an Order, pursuant to the
24 September 24, 2010 stipulation, setting the hearing for preliminary approval of class settlement
25 for October 25, 2010, at 9:00 a.m., and directing the parties to file the Joint Motion for
26 Preliminary Approval and supporting documents on October 11, 2010.
27

28 WHEREAS, the parties have resumed discussions with the mediator, Anthony Piazza, in

1 order to resolve certain issues regarding the proposed settlement. Because of this the parties are
2 not yet in a position to file approval papers by October 11, 2010. However, the parties are
3 hopeful that the resumed talks with Mr. Piazza will resolve the outstanding issues and the
4 approval papers can be filed by November 1, 2010;

5
6 THEREFORE, the parties hereby stipulate, subject to Court approval, that the hearing date
7 for Preliminary Approval of Class Settlement be set for November 15, 2010, and that the Joint
8 Motion for Preliminary Approval and all supporting documents shall be filed on November 1,
9 2010.

1 DATED this 7th day of October, 2010

Respectfully submitted,

2 **REEVES & BRIGHTWELL L.L.P.**

3
4 By /s/ Paul Schlaud

5 Paul Schlaud

6 Matthew H. Frederick

7 ATTORNEYS FOR DEFENDANTS DELL INC.,
8 DELL CATALOG SALES, L.P., DELL
9 PRODUCTS, L.P., DELL MARKETING L.P.,
DELL MARKETING L.P., LLC, DELL
MARKETING G.P., LLC, AND DELL USA L.P.

10 DATED this 7th day of October, 2010

RANDALL S. ROTHSCCHILD, A P.C.

11
12 By /s/ Randy Rothschild

13 Randy Rothschild

14 ATTORNEY FOR PLAINTIFFS VIVIAN FIORI
15 ARIZA and ROGGIE TRUJILLO

16 DATED this 7th day of October, 2010

ROBERTS RASPE & BLANTON, LLP

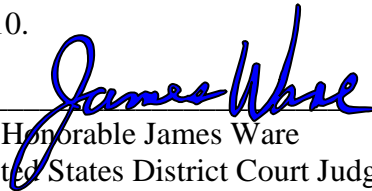
17
18 By /s/ Michael Blanton

19 Michael Blanton

20 ATTORNEYS FOR DEFENDANTS BANCTEC,
21 INC. AND WORLDWIDE TECH SERVICES, LLC

22 PURSUANT TO STIPULATION IT IS ORDERED THAT THE HEARING FOR
23 PRELIMINARY APPROVAL OF CLASS SETTLEMENT IS SET FOR **November 22, 2010 at 9:00 am**
24 AND THE JOINT MOTION FOR PRELIMINARY APPROVAL AND SUPPORTING
DOCUMENTS SHALL BE FILED NOVEMBER 1, 2010.

25 DATED: October 8 , 2010

26 
The Honorable James Ware
United States District Court Judge

1 **FILER'S ATTESTATION**

2 Pursuant to General Order No. 45, Section X(B) regarding signatures, I, Paul Schlaud,
3 attest that concurrence in the filing of this document has been obtained from Randy Rothschild
4 and Michael Blanton.
5

6 By: /s/ Paul Schlaud
7 Paul Schlaud
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1 **PROOF OF SERVICE**

2 I, the undersigned, declare that I am a resident of the State of Texas, over the age of
3 eighteen years and not a party to the within action. My business address is Reeves & Brightwell,
221 W. 6th Street, Suite 1000, Austin, TX 78701.

4 On October 7, 2010, I served the following document:

5 **STIPULATION TO RESCHEDULE HEARING DATE FOR PRELIMINARY**
6 **APPROVAL OF CLASS SETTLEMENT AND TO RESCHEDULE DATE FOR**
7 **SUBMISSION OF JOINT MOTION FOR PRELIMINARY APPROVAL;**
8 **[PROPOSED] ORDER**

9 X **ELECTRONIC FILING:** the within document, the automatically generated notification
10 for which constitutes service pursuant to General Order 45, Section IX(A) and (B).

11 Brian R. Strange
12 lacounsel@earthlink.net
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18 Telephone: 310-207-5055
19 Fax: 310-826-3210

20 Attorneys for Plaintiffs

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22 randy.rothschild@verizon.net
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24 Los Angeles, CA 90025
25 Telephone: 310-806-9245
26 Fax: 310-988-2723

27 Attorney for Plaintiffs

Michael S. Blanton
mblanton@rrblp.com
ROBERTS, RASPE & BLANTON LLP
Union Bank Plaza
445 South Figueroa Street
Suite 3200
Los Angeles, California 90071
Telephone: (213) 430-4777
Fax: (213) 430-4780

Attorney for Defendants BancTec, Inc. and
QualxServ, LLC

28 **MAIL:** by placing a true copy thereof, addressed as set forth below and enclosed in a sealed
envelope with postage thereon fully prepaid and deposited for collection and mailing with the
U.S. Postal Service pursuant to the ordinary business practice of this office.

 FACSIMILE TRANSMISSION: a true and correct copy transmitted via facsimile to each
addressee listed below.

I declare under penalty of perjury under the laws of the State of Texas that the above is
true and correct. Executed in Austin, Texas on October 7, 2010.

26 /s/ Paul Schlaud
27 Paul Schlaud