

1 CLAUDIA CENTER (SBN 158255)  
 JINNY KIM (SBN 208953)  
 2 RACHAEL LANGSTON (SBN 257950)  
 THE LEGAL AID SOCIETY –  
 3 EMPLOYMENT LAW CENTER  
 180 MONTGOMERY STREET, SUITE  
 4 600  
 SAN FRANCISCO, CA 94104  
 5 TEL: (415) 864-8848  
 FAX: (415) 593-0096  
 6 EMAIL: CENTER@LAS-ELC.ORG;  
 JKIM@LAS-ELC.ORG  
 7 RLANGSTON@LAS-ELC.ORG

JOSHUA KONECKY (SBN 182897)  
 SCHNEIDER WALLACE  
 COTTRELL BRAYTON KONECKY LLP  
 180 MONTGOMERY STREET, SUITE 2000  
 SAN FRANCISCO, CA 94104  
 TEL: (415) 421-7100  
 FAX: (415) 421-7105  
 TTY: (415) 421-1665  
 EMAIL:JKONECKY@SCHNEIDERWALLACE.COM

8 Attorneys for Plaintiffs Gabriel Ortiz, Andrew Gonzales,  
 Landon Mickey Miller and Joe Huynh  
 9

10 DONALD LIVINGSTON  
 WILLIAM ALLEN (Admitted *Pro Hac*  
 11 *Vice*)  
 AKIN GUMP STRAUSS HAUER & FELD  
 12 LLP  
 1333 New Hampshire Avenue, N.W.  
 13 Washington, D.C. 20036  
 Tel: (202) 887-4000  
 14 Fax: (202) 887-4288  
 Email: dlivingston@akingump.com  
 15 ballen@akingump.com

TERESA W. GHALI (SBN 252961)  
 AKIN GUMP STRAUSS HAUER & FELD LLP  
 580 California Street, Suite 1500  
 San Francisco, CA 94104  
 Tel: 415-765-9500  
 Fax: 415-765-9510  
 Email: tghali@akingump.com

16 Attorneys for Defendant  
 HOME DEPOT U.S.A., INC.  
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18 UNITED STATES DISTRICT COURT  
 19 NORTHERN DISTRICT OF CALIFORNIA  
 20 SAN JOSE DIVISION

21 GABRIEL ORTIZ, ANDREW GONZALES,  
 22 LANDON MICKEY MILLER, AND JOE  
 HUYNH, on behalf of themselves and all  
 23 others similarly situated,

24 Plaintiffs,

25 v.

26 HOME DEPOT U.S.A., INC.,

27 Defendant.  
 28

Case No. C 09-03485 LHK

**STIPULATION TO MODIFY CASE  
 MANAGEMENT ORDER; ALLEN  
 DECLARATION IN SUPPORT;  
 [PROPOSED] ORDER**

[Fed. R. Civ. P. 26(f), Civ. L.R. 6-1(b), 6-2,  
 7-12.]

The Honorable Lucy H. Koh

1 On January 26, 2011, following a Case Management Conference, the Court ordered, *inter alia*,  
2 Defendant Home Depot U.S.A., Inc. “make a Fed. R. Civ. P. 30(b)(6) witness available for deposition  
3 on a narrow set of topics required by Plaintiffs for mediation.” Jan. 26, 2011 Minute Order & Case  
4 Management Order (dkt. no. 50). These topics concern whether and the extent to which Defendant can  
5 implement technology, such as video phones and video remote interpreting, in its stores to provide  
6 effective communication to deaf and hard of hearing workers there. The Court also extended the  
7 deadline for completing mediation until March 1, 2011. *Id.*

8 On January 31, 2011, Defendant responded to Plaintiffs’ December 28, 2010 interrogatories and  
9 document requests, which covered topics that overlapped the topics for the Rule 30(b)(6) deposition.  
10 After reviewing Defendant’s responses and conferring with Defendant’s counsel William Allen on  
11 February 4, the parties agreed that Plaintiffs had sufficient information on the topics at issue to proceed  
12 with mediation without the deposition. Continuing the deposition will also allow the parties to focus  
13 on mediation, which is scheduled for February 16, 2011.

14 In light of the foregoing, and subject to approval by the Court, the parties agreed to continue  
15 the Fed. R. Civ. P. 30(b)(6) deposition until after the mediation. Specifically, the parties agreed to  
16 continue the deposition to March 3, 2011 in San Francisco, CA.

17 Under the January 26, 2011 Case Management Order, Plaintiffs’ deadline for filing the class  
18 certification motion is July 14, 2011, and the non-expert discovery cut-off is December 23, 2011. The  
19 parties do not believe that the continuance of this deposition to facilitate the mediation will impact  
20 their ability to meet these deadlines, and Defendant has agreed not to use the continuance as an  
21 argument in any way against further discovery by Plaintiffs. Accordingly, the parties submit that there  
22 is good cause for this short continuance and jointly request that the Court modify its Case Management  
23 Order by allowing Defendant to produce the witness on or before March 3, rather than during the week  
24 of February 7. A declaration from Mr. Allen in support of this request is enclosed.

1 Dated: February 8, 2011

Claudia Center  
Jinny Kim  
Rachael Langston  
THE LEGAL AID SOCIETY-EMPLOYMENT  
LAW CENTER

4 Joshua Konecky  
5 SCHNEIDER WALLACE  
6 COTTRELL BRAYTON  
7 KONECKY LLP

8 /s/ Jinny Kim

JINNY KIM

9 Attorneys for Plaintiffs  
10 Gabriel Ortiz, Andrew Gonzales, Landon Mickey  
11 Miller, and Joe Huynh

12 Dated: February 8, 2011.

AKIN GUMP STRAUSS HAUER & FELD LLP  
Donald Livingston  
William Allen  
Teresa W. Ghali

15 /s/ Teresa W. Ghali

16 TERESA GHALI

17 Attorneys for Defendant  
18 HOME DEPOT U.S.A., INC.

19 **ECF CERTIFICATION**

20 Pursuant to General Order No. 45 X. (B), I attest that concurrence in the filing of this  
21 document has been obtained from Plaintiffs' counsel.

22 Dated: February 8, 2011.

23 /s/ Teresa W. Ghali

24 TERESA GHALI






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The parties stipulate that Defendant may produce the Fed. R. Civ. 30(b)(6) witness regarding communication technology for deaf and hard of hearing workers on or before March 3, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED this 25th day of February, 2011.

  
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The Hon. Lucy H. Koh  
United States District Judge