

United States District Court
For the Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ERIC BENEDICT, on behalf of himself and classes of those similarly situated,)	Case No.: 13-CV-00119-LHK
)	
Plaintiff,)	CASE MANAGEMENT ORDER
v.)	
)	
HEWLETT-PACKARD COMPANY,)	
)	
Defendant.)	

Clerk: Martha Parker Brown	Plaintiff's Attorneys: Kelly Dermody, Jahan Sagafi,
Reporter: Lee-Anne Shortridge	Marc Pilotin
	Defendant's Attorney: Wendy Lazerson, Caryn Horner

A Case Management Conference was held on May 29, 2013. A further Case Management Conference is set for August 7, 2013, at 2:00 p.m.

For all future Case Management Conferences, the parties' Joint Case Management Statement ("JCMS") shall be filed by 5:00 p.m. seven days in advance of the Case Management Conference and shall not exceed a total of 10 pages in length.

The parties shall engage in the following meet and confer processes before filing a JCMS. First, the parties shall meet and confer in person no later than three business days prior to the JCMS filing deadline. Second, the parties shall exchange drafts of the JCMS by 5:00 p.m. two business days prior to the JCMS filing deadline. Finally, the parties shall exchange revisions to the JCMS by 5:00 p.m. one business day prior to the JCMS filing deadline.

The parties shall also meet and confer in person prior to any other filing in this case.

The case schedule remains as set.

Plaintiff's Discovery Requests

The Court ordered discovery to proceed with respect to the three job titles identified by Plaintiff: Technical Solutions Consultants, Field Technical Support Consultants, and Technology Consultants.

1 **Defendant's Discovery Requests**

2 The parties agreed that Plaintiff will disclose to HP the names of any Opt-In Plaintiff to
3 whom Plaintiff discloses HP confidential information, within one business day of such disclosure.
4 Pursuant to the Court's prior Order, such Opt-In Plaintiffs will then be subject to reciprocal,
5 reasonable, and appropriate discovery. See ECF No. 52. The Court clarified that Opt-In Plaintiffs
6 who do not access confidential information will not be subject to depositions or other discovery
7 prior to conditional certification of an opt-in class.

8 **Mediation**

9 The parties have selected Susan Haldeman as their mediator and will engage in a mediation
10 session on October 21, 2013.

11 **Segregation and Return of Data to Plaintiff and HP**

12 Neither party shall engage in ex parte communications with the third party vendor.

13 The third party vendor must give to HP all HP documents and materials in native format.

14 The third party vendor shall make and retain a full reimage of the HP laptop and any HP
15 material on any of Plaintiff's or Plaintiff's family's devices or backup system. The third party
16 vendor shall create a log of all HP material by file name, document title if readily available, and
17 document type. If the vendor is unsure about whether a document contains HP material, both
18 Plaintiff's and Defendant's counsel should review the document.

19 Any files on the personal devices or backup system of Plaintiff and Plaintiff's family that
20 are not HP documents and do not contain HP material and that predate Plaintiff's employment with
21 HP need not be imaged or added to a log and shall be returned to Plaintiff.

22 Defendants may conduct a two-hour deposition of Plaintiff with respect to the imaging of
23 the HP laptop; copies made of its contents; how the contents of the devices and backup system of
24 Plaintiff and Plaintiff's family are structured and organized; and what personal material, if any, was
25 put on the HP laptop. This deposition will not address Plaintiff's affirmative claims.

26 Plaintiff's counsel shall send a letter to HP, certifying that Plaintiff has provided HP with
27 the five documents previously produced to HP in connection with Plaintiff's Initial Disclosures.
28 Plaintiff's counsel may subsequently delete all electronic copies of these documents, including
29 attachments to e-mails. However, in the event that Plaintiff transmitted these documents to
30 Plaintiff's counsel in any form, Plaintiff's counsel must retain a hard copy of all such transmittals.

31 **Plaintiff's First Amended Complaint and HP's Proposed Counterclaims**

32 The Court has approved the parties' stipulation permitting Plaintiff to file a first amended
33 complaint without waiving Defendants' Rule 12 rights. ECF No. 59. The parties may file
34 subsequent Rule 11 or Rule 12 motions if necessary.

35 By May 30, 2013, the parties shall file a stipulation to stay discovery on Defendant's
36 counterclaims and Plaintiff's two new named plaintiffs and two new state law causes of action until
37 the resolution of such Rule 11 or Rule 12 motions.

38 **IT IS SO ORDERED.**

Dated: May 30, 2013



LUCY H. KOH
United States District Judge