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11
12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**

14 DUANE WATERS, DEBRA
15 TURNER, and RUDY FAJARDO, on
behalf of themselves, all others
16 similarly situated and the general
public,

17 Plaintiffs,

18 vs.

19 AT&T SERVICES, INC., (formerly
20 SBC Services, Inc.) and DOES 1
through 10,

21 Defendants.

Case No: CV 09-3983 BZ

Hon. Bernard Zimmerman

**JOINT CASE MANAGEMENT
STATEMENT**

CMC: May 24, 2010
Time: 4:00 p.m.
Courtroom: G, 15th Floor

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16 Attorneys for Defendant AT&T SERVICES, INC.
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1 The parties hereby submit this Joint Updated Case Management
2 Conference Statement in advance of the Case Management Conference scheduled
3 for May 24, 2010.

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5 The parties have complied with the Court's First Case Management
6 Order dated December 16, 2009, by selecting a mediator prior to January 15, 2010,
7 and by holding a mediation prior to the May 24 CMC. The parties selected Mark
8 Rudy of Rudy, Exelrod, Zieff, & Lowe, LLP as the mediator. The mediation was
9 held last week, on May 12, 2010, in San Francisco. At the mediation the parties
10 were unable to reach agreement on a settlement. However, the mediator submitted
11 a mediator's proposal to the parties with a response deadline of this Wednesday,
12 May 19, 2010. Therefore, the parties will know by May 19 whether or not they
13 have reached tentative agreement on a settlement, subject to final drafting and
14 Court approval.

15
16 Pending the outcome of the mediation, the parties, by mutual
17 agreement, have not exchanged Initial Disclosures or conducted any formal
18 discovery, although they have exchanged data and documents informally.

19
20 The parties will notify the Court by May 20 of the outcome of the
21 mediation. If a tentative settlement is reached, the parties jointly request that the
22 May 24 CMC be taken off calendar and rescheduled 60-90 days later.
23 This will give the parties time to finalize a Settlement Stipulation and submit a
24 motion to the Court for preliminary approval of the Settlement. If a settlement is
25 not reached, the parties request that the May 24 CMC nonetheless be postponed for
26 30-60 days to provide them with time to meet and confer regarding a discovery
27 plan, motion deadline, and other related issues. In either case, the parties will, of
28 course, adhere to the Court's preference as to the timing of the CMC.

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DATED: May 17, 2010

SCHONBRUN DESIMONE SEFLOW
HARRIS & HOFFMAN LLP
Michael Morrison
V. James DeSimone
Michael D. Seplow

LAW OFFICES OF THOMAS FALVEY

/s/ V. James DeSimone

V. James DeSimone

Attorneys for Plaintiffs

DATED: May 17, 2010

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/s/ Thomas E. Geidt

Thomas E. Geidt

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