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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

JUANITA WYNNE and DANTE BYRD,  
on behalf of themselves and classes of  
those similarly situated,

Plaintiffs,

v.

MCCORMICK & SCHMICK'S  
SEAFOOD RESTAURANTS, INC. and  
MCCORMICK & SCHMICK  
RESTAURANT CORP.,

Defendants.

Case No. 06-3153 CW

**STIPULATION AND ~~PROPOSED~~  
ORDER REGARDING PLAINTIFFS'  
MOTION TO COMPEL PRODUCTION OF  
STATISTICAL DATA**

1 This Stipulation is entered into by and between Juanita Wynne and Dante Byrd  
 2 (“Plaintiffs”), by and through their undersigned counsel, and McCormick & Schmick’s Seafood  
 3 Restaurants, Inc. and McCormick & Schmick Restaurant Corp. (“Defendant”), by and through  
 4 their undersigned counsel. Plaintiffs and Defendant are collectively referred to herein as the  
 5 “Parties.”

6 **RECITALS**

7 WHEREAS, on October 3, 2006, Plaintiffs filed a motion to compel statistical  
 8 data;

9 WHEREAS, on October 4, 2006, the motion was referred to the undersigned  
 10 United States Magistrate Judge;

11 WHEREAS, on October 19, 2006, after having submitted letter briefs regarding  
 12 the dispute in accordance with the applicable rules and standing order, the Parties participated in a  
 13 telephonic conference with the Magistrate Judge in an effort to resolve the dispute;

14 WHEREAS, during that conference, the Magistrate Judge ordered the Parties to  
 15 meet and confer in a further effort to resolve the dispute, and set forth the following briefing  
 16 schedule in the event that a resolution could not be reached:

17 Friday, November 3, 2006	Plaintiffs to file documents in accordance with N.D. Cal. Local Rule 37-2
18 Monday, November 13, 2006	Defendant’s opposition brief due
19 Friday, November 17, 2006	Plaintiffs’ reply brief due
20 Wednesday, November 29, 2006 10:00 a.m.	Hearing before Magistrate Judge Zimmerman, 15th floor, courtroom G

21  
 22 WHEREAS, the Parties met and conferred in person on October 24, 2006, at  
 23 which time they discussed their positions, exchanged information, and considered a potential  
 24 compromise; and

25 WHEREAS, the Parties have been unable to reach agreement on the proposed  
 26 compromise, and the Parties agree that the dispute requires judicial resolution;

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**STIPULATION AND AGREEMENT**

1. Plaintiffs may submit a revised motion to compel and accompanying documents reflecting the parties' further discussion and exchange of information by November 3, 2006 along with the Rule 37-2 documents due on the same date.

IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

DATED: November 3, 2006 Michael Gallion  
Michael Gallion, Attorney for Defendant

DATED: November 3, 2006 Bill Lann Lee  
Bill Lann Lee, Attorney for Plaintiffs

**ORDER**

The foregoing Stipulation is approved, and IT IS SO ORDERED.

Dated: November 6, 2006

Magistrate Judge Bernard Zimmerman  
Northern District of California

