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15 *Plaintiff Communities for a Better*  
*Environment*

16 *[Additional Plaintiffs' counsel listed at*  
17 *end]*

18 UNITED STATES DISTRICT COURT  
19 NORTHERN DISTRICT OF CALIFORNIA

21 SYLVIA DARENSBURG, and VIVIAN  
HAIN, individuals on behalf of themselves  
22 and all others similarly situated;  
AMALGAMATED TRANSIT UNION,  
23 LOCAL 192; and COMMUNITIES FOR A  
BETTER ENVIRONMENT,

24 Plaintiffs,

25 v.

26 METROPOLITAN TRANSPORTATION  
COMMISSION,

27 Defendant.  
28

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Transportation Commission*

Case No. C-05-1597-EDL

**STIPULATION AND [PROPOSED]**  
**ORDER RE DISCOVERY AND CLASS**  
**CERTIFICATION**

1           1.     MTC will produce on a rolling basis, concluding no later than by March 5, 2007,  
2 emails of Steve Heminger, Therese McMillan, Randy Rentschler, Doug Kimsey and Alix  
3 Bockelman (hereafter "Senior Managers") using the first list of search terms transmitted by  
4 Plaintiffs to MTC on February 5, 2007, and attached hereto as Exhibit A.

5           2.     By February 16, 2007, Plaintiffs will, propose a narrowing of 12 search terms in the  
6 second list of search terms transmitted by Plaintiffs on February 5, 2007, and attached hereto as  
7 Exhibit B. As soon as Therese McMillian's deposition transcript becomes available, MTC will  
8 provide to Plaintiffs a list of the Senior Analysts in each of the three departments (Legislation and  
9 Public Affairs, Planning and Programming and Allocations) (hereinafter "Senior Analysts").

10           3.     MTC will use best efforts to supplement the email production in paragraph 1, above,  
11 as soon as possible with emails of the identified Senior Analysts, using the first list of search  
12 terms set forth in Exhibit A.

13           4.     MTC will use best efforts to produce on a rolling basis as expeditiously as possible  
14 emails of Senior Managers and Senior Analysts using the search terms in the second list (Exhibit  
15 B), as narrowed in respect to 12 search terms pursuant to paragraph 2, above, and third lists of  
16 search terms transmitted by Plaintiffs on February 5th. (The third list is attached hereto as  
17 Exhibit C.)

18           5.     With respect to other electronic documents, Plaintiffs provided MTC with an  
19 alternative set of search terms on February 20, 2007. MTC will meet and confer with Plaintiffs to  
20 narrow this list, if necessary, after MTC has run a subset of the proposed search terms on its  
21 database to determine the frequency of hits. Once there is an agreed upon list of terms, MTC will  
22 use best efforts to produce as expeditiously as possible those electronic documents that include  
23 the agreed upon terms on a rolling basis.

24           6.     On August 1, 2007, the parties will exchange expert reports bearing on class  
25 certification.

26           7.     On August 15, 2007, the parties will exchange expert reply reports bearing on class  
27 certification.

1           8.    On September 7, 2007, MTC will inform Plaintiffs if it is willing to stipulate to class  
2 certification. If MTC so stipulates, the Court will schedule a case management conference to  
3 establish the schedule for a summary judgment.

4           9.    On October 2, 2007, if necessary, Plaintiffs will submit their motion for a class  
5 certification, memorandum in support, and supporting materials. MTC may take depositions of  
6 Plaintiffs' expert witnesses who submit declarations in support of the motion during the week of  
7 October 9, 2007.

8           10.   On October 30, 2007, MTC will submit its response to the motion for class  
9 certification. Plaintiffs may take depositions of MTC's expert witnesses who submit declarations  
10 in opposition to the motion during the week of November 5, 2007.

11           11.   On November 20, 2007, Plaintiffs will submit their reply to MTC's response.

12           12.   The Court will hear the class certification motion on December 18, 2007.

13 Dated: February 21, 2007

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16 By:           /s/ Bill Lann Lee            
          Bill Lann Lee

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28 *Communities for a Better Environment*

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Dated: February 21, 2007

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IT IS SO ORDERED.

Dated: February 23, 2007

