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FILED
ALAMEDA COUNTY

AUG 19 2002

CLERK OF THE SUPERIOR COURT

By Pam Williams
Deputy

SUPERIOR COURT OF CALIFORNIA

COUNTY OF ALAMEDA

UNLIMITED JURISDICTION

ANDREA SAVAGLIO, JAMES DAVIS,
JERRILYN NEWLAND, and
CHARLOTTE JOHNSON, on behalf of
themselves and all others similarly situated,

Plaintiffs,

vs.

WAL-MART STORES, INC., a Delaware
corporation, SAM'S WEST, INC., a
California corporation, GEORGE
RODRIGUEZ, VINCENT MARTINEZ,
and DOES 1 through 100,
Defendants.

Case No. C-835687-7

~~PROPOSED~~ ORDER GRANTING
PLAINTIFFS' MOTION TO REOPEN
CLASS CERTIFICATION DISCOVERY

Date: August 19, 2002

Time: 3:30 p.m.

Department: 22

Judge: Hon. Ronald M. Sabraw

1 Plaintiffs' Motion to Reopen Class Certification Discovery pursuant to
2 California Code of Civil Procedure Section 2024(e) was heard by this Court on August 19,
3 2002. The Court having considered the arguments submitted by counsel, and good cause
4 appearing therefor, orders as follows:

5 IT IS HEREBY ORDERED that Plaintiffs' Motion to Reopen Discovery for
6 the limited purpose of obtaining a list ("List") of the putative class members from Store
7 Nos. 1881, 2161, 2277, and 2648 ("Four Stores") is GRANTED;

8 IT IS FURTHER ORDERED that Wal-Mart shall provide Plaintiffs with a
9 List (as described below) from February 6, 1997, through July 7, 2001. Pursuant to the
10 class definition set forth in Plaintiffs' Second Amended Complaint, the List shall include all
11 current and former hourly paid employees from the Four Stores excluding: 1) all employees
12 who hold or held salaried positions; and 2) all customer service managers, pharmacists, and
13 personnel managers. Wal-Mart shall provide Plaintiffs with the following information on
14 the List: one record (i.e., row on Excel spreadsheet) per person including the following
15 fields: each combination of first, middle and last name of each putative class member
16 (including any alternative or "aka" names to the extent such information is contained on
17 Wal-Mart's computer system/database or accessible in the personnel files reviewed after
18 August 19, 2002); each California store number at which the person worked; whether the
19 person is a current or former employee as of the date the List is printed (if the individual is
20 a former employee, the last date of employment shall also be provided); the last four digits
21 of the persons' social security number (in the event the last four digits of two (or more)
22 employees' social security number are the same, and their identities cannot be distinguished
23 by the foregoing information, Wal-Mart will provide additional digit(s) of said persons'
24 social security number so that such a determination can be made); and the List shall be listed
25 consecutively starting with the number one (e.g., 1, 2, 3, 4, 5 etc.).

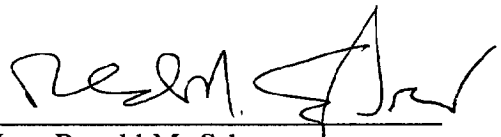
26 IT IS FURTHER ORDERED that Wal-Mart will provide the List to Plaintiffs
27 by way of a rolling production commencing on August 20, 2002 and ending no later than
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1 September 6, 2002. Specifically, by the close of business on August 20, 2002, Wal-Mart
2 shall provide one-third of the finalized List in an emailed Excel spreadsheet, as well as an
3 identical hard copy document sent via facsimile. By the close of business on August 27,
4 2002, Wal-Mart shall provide two-thirds of the finalized List in an emailed Excel
5 spreadsheet, as well as an identical hard copy document sent via facsimile. By the close of
6 business on September 6, 2002, Wal-Mart shall provide (via electronic mail to
7 Kimberly@Furth.com and Jgrant@Furth.com) Plaintiffs with an Excel spreadsheet
8 containing the full, complete, and finalized List in an Excel spreadsheet, as well as in an
9 identical hard copy document sent via facsimile. This final List shall be in the format herein
10 described above.

11 IT IS FURTHER ORDERED that Plaintiffs are not to use the requested List
12 as a means to contact the putative class members on said List. However, nothing in this
13 Order waives Plaintiffs' rights to contact putative class members through alternative means
14 or seek a full list of all putative class members in the State of California following class
15 certification.

16 **IT IS SO ORDERED.**

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18 Dated: August 19, 2002

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20 Hon. Ronald M. Sabraw

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