

LAW OFFICE OF DAN GETMAN

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June 21, 2005

Hon. Ronald L. Ellis
U.S. Magistrate Judge
U.S. District Court
Southern District of New York
U.S. Court House
500 Pearl Street
New York, NY 10007

Attorneys:
Dan Getman
Tara Bernstein
Michael J. O. Sweeney

Paralegals:
Anibal Garcia
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Re: Richard Ayers v. SGS Control Services, Inc.; 03 Civ 9078 (RMB)(RLE)

Your Honor,

The Parties have come to an agreement regarding the discovery issues set forth in Plaintiffs' counsel's June 3, 2005 letter to Your Honor. We have agreed to the following discovery schedule

1. The Defendants will produce all daily time or expense records in their possession or control that Plaintiffs submitted for purposes of payroll or reimbursement. Examples of such records were attached to Plaintiffs' counsel's June 3, 2005 letter to Magistrate Ellis as Exhibits A & C. The Defendants will also provide verification that all such records have been produced and an explanation of the search conducted. The Defendants will produce the documents and verification by August 1.
2. The Parties understand that the Defendants have produced most, if not all, of the Plaintiffs' personnel files. If any are missing, the Defendants will produce them within 3 weeks of the Plaintiff's request.
3. The Defendants will have ADP run and produce to Plaintiffs bi-monthly payroll reports for each of the Plaintiffs, along with a key to any abbreviations. The Defendants will produce the reports by July 12.
4. By the July 1, 2005 the Defendants will produce an affidavit of the search performed to collect all e-mails responsive to the Plaintiffs' document requests. If the Plaintiffs do not believe the search was sufficient, the Parties will negotiate mutually agreeable search criteria by July 7 and the e-mails will be produced by July 15. The Parties will execute a

mutually agreeable confidentiality agreement with respect to the e-mails by July 1, 2005.

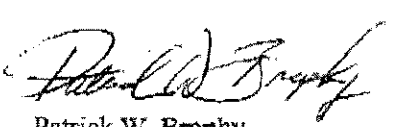
5. The Defendants will produce all documents responsive to Plaintiffs First Document Request #11, or verify that all such documents have been produced, by July 12, 2005.
6. The Defendants will produce all documents concerning the compensation structure for any employees that supervised the Plaintiffs, up to the regional management level, by July 12, 2005.
7. By July 1, 2005, the Defendants will make all reasonable efforts to determine which policy and procedure manual Ms. Plewa testified that she consulted for her work. To expedite that search, the Plaintiffs will identify the Bates range of the manuals produced to date by June 24, 2005.
8. The Defendants will supply a list of SGS North America's branches July 12, 2005.
9. The Defendants agree that any documents concerning claims alleging improper wage and hour payments by employees in the inspector class or similarly situated employees are discoverable. The Defendants will produce any claim-initiating documents, e.g., complaints, petitions, etc., going back to 1995. The Defendants will produce the documents by July 19, 2005. The Plaintiffs retain the right to seek additional documents concerning any claim.

We respectfully request that Your Honor order the above schedule. Upon Your Honor's Order, the Parties agree that the hearing on the matter scheduled for July 22, 2005 at 2:30 p.m. is not necessary at this time.


Thank you.

Sincerely,


Michael J.D. Sweeney
Attorney for Plaintiffs


Patrick W. Brophy
Attorney for Defendants

SO ORDERED


U.S. Magistrate Judge Ronald L. Ellis
Date: June 21, 2005

adjoined.
Any subsequent
hearing will include consideration of
sanctions under 28 U.S.C. § 1927