

**AMERICAN ARBITRATION ASSOCIATION  
Employment and Class Action Arbitration Tribunal**

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In the Matter of the Arbitration between:

Re: 11 160 00655 08

Laryssa Jock, Jacquelyn Boyle, Christy Chadwick,  
Lisa Follett, Maria House, Denise Maddox, Lisa  
McConnell, Gloria Pagan, Judy Reed, Linda Rhodes,  
Khristina Rodrigues, Nina Shahmirzadi, Leighla  
Smith, Dawn Souto-Coons, and Marie Wolf,  
individually and on behalf of all others similarly  
situated  
and  
Sterling Jewelers, Inc.

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**CASE MANAGEMENT ORDER RE CLASS CERTIFICATION**

Claimants are current and former employees of Sterling Jewelers Inc. (“Sterling”) alleging a company-wide pattern of practice of gender discrimination in pay and promotion decisions that violate Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. Sec. 2000(e) et seq., and the Equal Pay Act, 29 U.S.C. Sec. 206. The Arbitrator has found that Claimants’ Class Complaint should be accepted and that they should be permitted, pursuant to Rules 4 and 5 of the Supplementary Rules, to apply for certification of their claims as they would under Title VII and the Equal Pay Act in a civil action. This determination has been affirmed by U.S. District Judge Jed Rakoff (SDNY).

Presently before the Arbitrator are the parties’ respective proposed Case Management Plans for the conduct of proceedings relating to class certification, including discovery.

The RESOLVE Program Arbitration Rules with respect to discovery provide as follows:

The parties may engage in any method of discovery as outlined in the Federal Rules of Civil Procedure (exclusive of Rule 26(a)). Such discovery includes discovery sufficient to arbitrate adequately a claim, including access to essential and relevant documents and witnesses. Discovery disputes are subject to the Federal Rules of Evidence and the Federal Rules of Civil Procedure. Discovery closes 75 calendar days prior to the hearing date unless a showing of good cause to the arbitrator. Any exhibits or witnesses not disclosed prior to the discovery deadline will be excluded from the hearing except upon a showing of good cause to the arbitrator.

The RESOLVE Program Arbitration Rules do not address the conduct of discovery in connection with class certification proceedings.

Counsel for all parties having been heard in a telephone conference on October 26, 2009, and the Arbitrator having reviewed the parties' respective proposed Case Management Plans, it is hereby ordered:


1. Discovery shall be bifurcated into: (a) class action or collective action certification discovery; and (b) subsequent merits discovery.
2. The parties shall meet and confer regarding the measures to be taken to protect the exchange of confidential data during discovery and submit to the Arbitrator no later than November 6, 2009, their proposed stipulation or competing proposals for the protection of confidential data. No party is required to exchange confidential data until the entry of a confidentiality order.
3. All discovery disputes shall be resolved by the undersigned Arbitrator. In the event disputes arise regarding discovery, the parties may contact the AAA Case Manager, who may arrange for the Arbitrator to address the issue in the manner requested by the parties or that she chooses.
4. The parties are directed to meet and confer and to propose mutually convenient dates for regular monthly status telephone conferences to address the status of

discovery and to resolve any discovery disputes, beginning in November 2009, and continuing through September 2010. The Arbitrator proposes that such conferences be held on Thursdays at 1:00 PM Eastern. If the parties agree that a scheduled status conference is unnecessary, they may propose cancellation of the conference by written request to the Arbitrator.

5. Fact discovery for certification issues may commence as of the date of this Order, and shall be completed by May 14, 2010. Depositions shall proceed concurrently, with no party having priority. The number and location of depositions shall be determined by agreement, or by the Arbitrator based upon the Federal Rules of Civil Procedure. Proposed non-party subpoenas should be submitted to the Arbitrator with a copy to opposing counsel.
6. Claimants must file their motion for class certification and disclose any experts and their opinions on which Claimants may rely in their motion for class certification no later than June 18, 2010.
7. Respondent must complete the deposition of Claimants' expert(s) no later than July 16, 2010.
8. Respondent must file its response to Claimants' class certification motion and disclose any experts and their opinions on which it may rely in its response to the motion for class certification no later than August 20, 2010.
9. Claimants must complete the deposition of Respondent's expert(s) no later than September 17, 2010.
10. Claimants must file their reply brief and disclose any experts and their opinions on which Claimants may rely in their reply no later than October 8, 2010.


11. All expert disclosures for purposes of class certification shall fulfill the requirements of Fed. R. Civ. P. 26(a)(2).
12. Oral argument on the motion for class certification will be held on Thursday, October 21, 2010, at 10:00 AM, at a location to be determined.
13. After the Arbitrator rules on whether Claimants' claims may be certified, the parties shall meet and confer to develop a proposed scheduling order and discovery plan for the remainder of the proceedings.
14. Respondent is requested to identify to the Arbitrator those pending dispositive motions that are ready for decision.

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October 29, 2009

  
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Hon. Kathleen A. Roberts (Ret.)

I, Kathleen A. Roberts, do hereby affirm upon my oath as Arbitrator that I am the individual described in and who executed this instrument which is my Case Management Order re Class Certification.

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October 29, 2009

  
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Hon. Kathleen A. Roberts (Ret.)