

2. **Initial Disclosures, D.Id.L.Civ.R. 26.2(a).**

a. Fed.R.Civ.P. 26(a)(1) Initial Disclosures (*The Parties do not have any changes to the form of disclosures under Rule 26(a)*):

The Parties:

 have exchanged
 X agreed to simultaneously exchange information described in
 Fed.R.Civ.P. 26(a)(1)
 on
 X by September 28, 2001.

3. **Hearing on Issue of Conditional Certification of Class.**

Plaintiffs filed this action on behalf of themselves and on behalf of those they have alleged are a potential class of similarly-situated employees. Plaintiffs intend to move the Court for conditional certification of a class of similarly-situated employees in order to provide opt-in notice. Defendants dispute Plaintiffs' class allegations, and further dispute that any potential class should be certified or that any opt-in notice is appropriate in this case.

a. Hearing Request: The parties jointly request that a hearing date be set in May of 2002 with respect to Plaintiffs' anticipated Motion for Conditional Certification.

b. Briefing Schedule: The parties request that a briefing schedule on Plaintiffs' anticipated Motion for Conditional Certification be set as follows: (i) Plaintiffs' original moving materials be filed 10 weeks prior to hearing; Defendant's responsive materials be filed 5 weeks prior to hearing; Plaintiffs' reply materials be filed 2 weeks prior to hearing.

4. Trial Date and Trial Track.

The parties do not agree on a proposed trial date or trial track at this time. The position of the parties is as follows:

a. Plaintiffs' Trial Setting Request: Plaintiffs asserts that this is a "Complex Track" case, and hereby request a trial date in early 2003. Plaintiffs estimate that the trial of this action will require six (6) trial weeks.

b. Defendant's Trial Setting Request: Defendant asserts that this is initially a "Legal Track" case, and that it is premature to set a trial date in this case or estimate the length of any trial of this action until following a ruling by the Court on Plaintiffs' anticipated Motion for Conditional Certification. Accordingly, Defendant hereby requests that a scheduling conference be held following the hearing and ruling by the Court on Plaintiffs' anticipated Motion for Conditional Certification for the purpose of setting a trial date.

5. Pretrial Conference Date.

The parties request that a pretrial conference date be entered by the Court at the same time the trial setting is determined.

6. Joinder of Parties & Amendment of Pleadings Cut-Off Date.

The parties jointly request that this cut-off date be deferred until after the hearing on Plaintiffs' anticipated Motion for Conditional Certification.

7. Dispositive Motions Cut-Off Date.

The parties jointly request that this cut-off date be deferred until after the hearing on Plaintiffs' anticipated Motion for Conditional Certification.

8. Discovery Cut-Off Date (Before Trial).

The parties jointly request that this cut-off date be deferred until after the hearing on Plaintiffs' anticipated Motion for Conditional Certification.

9. Discovery Cut-Off Date (Before Hearing).

Defendant requests that the parties commence all pre-hearing discovery in time for it to be completed on or before 14 weeks prior to the date for the conditional certification hearing.

10. Early Discovery Issues & Plan.

Plaintiffs have indicated a willingness to focus discovery on issues related to the parties' preparation for the hearing on the anticipated Motion for Conditional Certification. However, Plaintiffs also have indicated that they intend to seek discovery on other issues in this action, including, but not limited to, whether the potential putative class of employees in this action should be broader than inside sales representatives such as the named Plaintiffs. In contrast, Defendant suggests that discovery should be phased at this preliminary stage; and also should be limited to the Plaintiffs and any individuals who have submitted written consents to join in this action, and to issues related to the parties' preparation for the hearing on Plaintiffs' anticipated Motion for Conditional Certification.

Notwithstanding the foregoing differences regarding early discovery issues, the parties have agreed that discovery in this case may be conducted as follows:

a. Written Discovery: The parties agree that all written discovery may be taken in the form and manner provided by the Federal Rules of Civil Procedure. The parties propose to initially abide by the limits on interrogatories set forth under Local Civil Rule 33.1,

but reserve the right to discuss extension of these limits should the need arise. Any request to extend these limits must be presented by motion or stipulation.

b. Oral Depositions: Because of the potential number of individuals involved and the complexity of potential issues, the parties wish to initially waive the limitation on the number of depositions set forth in Local Civil Rule 30.1. The parties agree to initially abide by the length of deposition requirement set forth in Local Civil Rule 30.1, following Fed.R.Civ.P. 30(d)(2). However, parties reserve the right to address and attempt to resolve any future disputes with respect to the number or length of depositions, should the need arise. Any request to limit the number of depositions or extend the length of deposition requirement must be presented by motion or stipulation.

11. Expert Testimony Disclosures Cut-Off Date.

The parties jointly request that this cut-off date be deferred until after the hearing on Plaintiffs' anticipated Motion for Conditional Certification.

12. Settlement and Alternative Dispute Resolution.

Parties agree that settlement is:

<u> </u>	likely
<u> </u>	unlikely
<u> X </u>	unknown at this time

Parties agree to consent to non-binding arbitration pursuant to General Order No. 92.

 yes X no likely to agree in future

Parties agree to participate in the revised Mediation Program Procedures of this Court as detailed in General Order No 130, as follows:

yes no may agree in future

In accordance with Local Civil Rule 16.4, the parties may decide in the future to request a judicially-conducted settlement conference, to be conducted by a judge other than the assigned judge.

13. Consent to Magistrate.

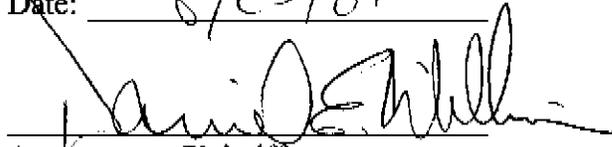
Pursuant to General Order No. 159 and Fed.R.Civ.P. 73, the parties agree to consent to trial presided over by United States Magistrate Judge, as follows:

yes no likely to agree in future

14. Pretrial Disclosures and Final Pretrial Procedures.

Parties acknowledge that they are aware of and will comply with pretrial disclosures requirements in Fed.R.Civ.P. 26(a)(3), and pretrial submissions under Local Civil Rule 16.3.

Date: 8/23/01

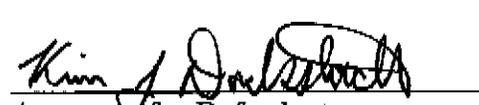

Attorneys or Plaintiff

William H. Thomas
ISB No. 3154
wmthomas@idahoatty.com

Daniel E. Williams
ISB No. 3920
danw@idahoatty.com

HUNTLEY PARK, THOMAS,
BURKETT, OLSEN & WILLIAMS
250 S. Fifth St., Suite 660
P.O. Box 2188
Boise, Idaho 83701-2188
(208) 345-7800
Facsimile: (208) 345-7894

Date: 8/23/01


Attorneys for Defendants

Kim J Dockstader
ISB No. 4207
kjdockstader@stoel.com

Gregory C. Tollefson
ISB No. 5643
gctollefson@stoel.com

STOEL RIVES LLP
101 S. Capitol Blvd, Suite 1900
Boise, Idaho 83702
(208) 389-9000
Facsimile: (208) 389-9040