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 Employee Stock Ownership Plan ant Trust

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 9 UNITED STATES DISTRICT COURT
 10 EASTERN DISTRICT OF CALIFORNIA
 11 SACRAMENTO DIVISION

13 GREGORY JOHNSON, et al.,

14 Plaintiffs,

15 v.

16 CLAIR R. COUTURIER, JR., et al.,

17 Defendants.

Case No. 2:05-cv-02046 RRB GGH

(Lead Case-Consolidated)

**STIPULATION AND [REDACTED]
 ORDER CONSOLIDATING CASES
 FOR SETTLEMENT**

18 DARLEEN STANTON,

19 Plaintiff,

20 v.

21 CLAIR R. COUTURIER, JR., et al.,

22 Defendants.

Case No. 2:07-cv-01208-WBS-JFM

(Consolidated under
 2:05-cv-0246 RRB GGH)

23 HILDA L. SOLIS, Secretary of the United
 States Department of Labor,

24 Plaintiff,

25 v.

26 CLAIR R. COUTURIER, JR., et al.,

27 Defendants.

Case No. 2:08-cv-02732-RRB-GGH

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The parties to the captioned cases hereby stipulate as follows:

The Court previously consolidated for all purposes the action titled *Johnson, et al., vs. Couturier, et al.*, No. 2:05-cv-02046 RRB GGH (E.D. Cal.) with the action titled *Stanton vs. Couturier*, No. 2:07-cv-01208 WBS-JFM (E.D. Cal.) (collectively, the “Action”).

The United States Department of Labor subsequently filed an action titled *Hilda Solis, Secretary of Labor v. Couturier, et al.*, Case No. 2:08-cv-02732 RRB-GGH (E.D. Cal.) (the “DOL Action”), which case was deemed “related” to the Action under the Local Rules such that it was assigned to the same judge to which the Action was assigned.

The parties to the Action and the DOL Action (collectively “the Actions”) recently participated in a mediation process before the Honorable Kimberly J. Mueller that has led to a global resolution of the Actions consisting of a Settlement Agreement in the Action and three Consent Judgments in the DOL Action, all of which are subject to Court approval. Certain of the settlement terms are common to both the Action and the DOL Action, and the effectiveness of the Settlement Agreement and Consent Judgments are contingent on the Court approving the terms of all of them. The global resolution calls for a hearing before the Court at which affected current and former participants in The Employee Ownership Holding Company, Inc. Employee Stock Ownership Plan and Trust will be provided the opportunity to object to certain settlement provisions.

The parties hereby stipulate and agree to the consolidation of the Actions for the purpose of the Court’s consideration of whether to approve the proposed global resolution of them.

SO STIPULATED.

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Dated: December 17, 2009

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ORDER

Based on the foregoing stipulation, and good cause appearing therefor, the Court hereby orders *Hilda Solis, Secretary of Labor v. Couturier, et al.*, Case No. 2:08-cv-02732 RRB-GGH (E.D. Cal.) (the "DOL Action") be consolidated with the previously consolidated actions *Johnson, et al., v. Couturier, et al.*, No. 2:05-cv-02046 RRB-GGH (E.D. Cal.) and *Stanton v. Couturier*, No. 2:07-cv-01208 WBS-JFM (E.D. Cal.) (collectively, the "Action"), for the purpose of the Court's consideration of whether to approve the global resolution of both the Action and the DOL Action.

SO ORDERED this 29 day of December, 2009.

161 RRB
Hon. Ralph R. Beistline, U.S.D.J.