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11 Attorneys for Plaintiffs

12 UNITED STATES DISTRICT COURT  
 13 EASTERN DISTRICT OF CALIFORNIA  
 14 SACRAMENTO

15 DANIEL VASQUEZ and WAYNE  
 16 CUTHILL, on their own behalf and on  
 17 behalf of a class of similarly situated  
 persons pursuant to F.R.C.P. 23 and 23  
 18 U.S.C. § 216, and on behalf of the  
 General Public,

19 Plaintiffs,

20 vs.

21 PANELLA TRUCKING, L.L.C., a  
 California limited liability corporation,

22 Defendant.  
 23

Case No.: 2:09-CV-02849 JAM [KJM]

**JOINT STIPULATION AND ORDER RE  
 NOTICE OF SIGNED SETTLEMENT AND  
 REQUEST FOR COURT TO SET A  
 PRELIMINARY SETTLEMENT  
 APPROVAL HEARING AND BRIEFING  
 SCHEDULE**

Judge: Hon. John A. Mendez  
 Courtroom: 6, 14th Floor  
 Complaint Filed: October 13, 2009  
 Trial Date: No date set

24 THIS JOINT STIPULATION AND PROPOSED ORDER REGARDING NOTICE OF A  
 25 SIGNED SETTLEMENT AGREEMENT AND REQUEST FOR THE COURT TO SET A  
 26 PRELIMINARY SETTLEMENT APPROVAL HEARING AND BRIEFING SCHEDULE is made  
 27 by and entered into between Plaintiffs Daniel Vasquez (“Plaintiff”) and Defendant Panella Trucking,  
 28 LLC (“Defendant”).

Case No. 2:09-CV-02849 JAM [KJM]]

1 WHEREAS, the parties have concluded settlement negotiations and signed a Joint  
2 Stipulation of Settlement Agreement with Exhibits 1 and 2 (“Joint Stipulation of Settlement”), which  
3 is attached hereto as Exhibit A;

4 WHEREAS, the parties wish for the Court to set a hearing date for a hearing on a motion for  
5 preliminary approval of the parties’ settlement and to also set a briefing schedule for such motion;

6 WHEREFORE, IT IS NOW HEREBY STIPULATED AND AGREED that:

7 1. The parties have attached the Joint Stipulation of Settlement as notice to the Court of the  
8 parties’ intention to settle this case;

9 2. The deadlines set for submitting a motion for preliminary settlement approval, a hearing  
10 for preliminary approval of settlement, and a hearing on final settlement approval in the Court’s  
11 Order re Revised Class Certification Briefing and/or Preliminary and Final Settlement Approval  
12 Schedule dated April 6, 2007 [Docket Document #36] are hereby vacated;

13 3. The Court shall set the preliminary settlement approval hearing to occur on June 1, 2011  
14 at 9:30 a.m. or a date and/or time thereafter to be set by the Court;

15 4. The parties shall submit a joint motion requesting preliminary approval of the settlement  
16 by no later than May 4, 2011.

17 5. This Stipulation and Order is subject to revocation and modification by order of the  
18 Court, upon written stipulation of the parties, or upon motion and reasonable notice.

19 **IT IS SO STIPULATED:**

20  
21 DATED: April 20, 2011

Littler Mendelson, P.C.

22  
23 BY /s/ Michelle R. Barrett  
MICHELLE R. BARRETT

24 Attorneys for Defendant  
25 PANELLA TRUCKING, LLC  
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DATED: April 20, 2011

Teeple Hall, LLP

BY /s/ Jason N. Black  
JASON N. BLACK

Attorneys for Plaintiffs

**IT IS SO ORDERED.**

DATED: 4/21/2011

/s/ John A. Mendez  
THE HONORABLE JOHN A. MENDEZ  
U.S. DISTRICT COURT JUDGE

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**ATTESTATION OF CONCURRENCE**

I hereby attest that concurrence in the filing of this document has been obtained from each of the signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing declaration is true and correct to the best of my personal knowledge.

Executed this 20th day of April, 2011 in San Francisco, California.

BY */s/ Michelle R. Barrett*  
MICHELLE R. BARRETT

Attorneys for Defendant  
PANELLA TRUCKING, LLC