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14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE EASTERN DISTRICT OF CALIFORNIA
16

17 KOUROSH KENNETH HAMIDI, et al., AND)
18 THE CLASS THEY SEEK TO REPRESENT)
19 Plaintiffs,)
20 v.)
21 SERVICE EMPLOYEES INTERNATIONAL)
UNION, LOCAL 1000, et al.;)
22 Defendants.)
23

No. 2:14-cv-00319-WBS-KJN

**STIPULATED REQUEST TO AMEND
CLASS DEFINITION; PROPOSED ORDER
THEREON**

Hearing Date: N/A
Time: N/A
Courtroom: N/A
Judge: Hon. William B. Shubb

1 **TO THE COURT:**

2 The parties to the above-captioned case hereby submit the following stipulated request to
3 amend the class definition set forth in the Court’s May 22, 2015 Memorandum and Order Re: Motion
4 for Class Certification and Appointment of Class Counsel, Docket No. 53:

5 1. The Court issued its Memorandum and Order Re: Motion for Class Certification and
6 Appointment of Class Counsel (“Memorandum”), Docket No. 53, on May 22, 2015.

7 2. The Memorandum defines the certified class as follows, in relevant part: “all former,
8 current and future State of California employees employed in Bargaining Units 1, 3, 4, 11, 14, 15, 17,
9 20, and 21 who are, have been, or will be represented exclusively for purposes of collective bargaining
10 by Local 1000, from June 2013 onward” Memorandum at 20:16-18.

11 3. The Memorandum also states, “The court retains the power to modify this definition,
12 and it will be the duty of the parties’ counsel to call to the court’s attention any other necessary
13 adjustments.” *Id.* at 5:6-8.

14 4. It appears from the definitions of the subclasses set forth in the Memorandum that the
15 Court intended to limit the class to non-members of Local 1000 who were subject to a provision
16 requiring that they have deducted from their wages agency fees as a condition of continued public
17 employment. *See* Memorandum at 20:19 – 21:2. But the general class definition does not expressly
18 exclude union members. Therefore, the parties, through their undersigned counsel, hereby respectfully
19 request the Court to amend the class definition so as to clarify that the class is limited to state
20 employees who, at any time during the class period, were represented by Local 1000 but were not
21 members of Local 1000, and had agency fees deducted from their wages. (Thus, state employees who
22 were represented by Local 1000 during the class period, but were members of Local 1000 for part of
23 that time and non-members of Local 1000 for part of that time, are included in the class but only have
24 damage claims for the period of time during which they were represented by Local 1000 but were not
25 members of Local 1000.) The parties respectfully request that the Court do so by amending the
26 Memorandum as follows:

27 A. Amending the class definition quoted above (Memorandum at 20:16-18) to add
28 the following underlined language: “all former, current and future State of

1 California employees employed in Bargaining Units 1, 3, 4, 11, 14, 15, 17, 20,
2 and 21 who are, have been, or will be represented exclusively for purposes of
3 collective bargaining by Local 1000 from June 2013 onward, but for some or all
4 of that period were not members of Local 1000,”

5 B. Adding a new sentence to the Memorandum at 21:3, immediately following the
6 class definition, stating as follows: “State employees who were represented by
7 Local 1000 during the class period, but were members of Local 1000 for part of
8 that time and non-members of Local 1000 for part of that time, are included in
9 the class but only have claims for the period or periods during which they were
10 represented by Local 1000 but were not members of Local 1000.”

11 5. The foregoing request is so stipulated and agreed between the parties to the above-
12 captioned action, by among their undersigned counsel.

13 Dated: June 5, 2015.

Respectfully submitted,

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28 By: /s/ Kim Nguyen (as authorized on June 4, 2015)

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By: /s/W. James Young (as authorized on June 5, 2015)
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Attorneys for Plaintiffs and the Class They Represent

ORDER

IT IS SO ORDERED.

Dated: June 5, 2015



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE