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 6 an individual, on behalf of himself, and on
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15 Attorneys for Defendant,
 16 SUGAR TRANSPORT OF THE NORTHWEST, INC.

17
 18 **IN THE UNITED STATES DISTRICT COURT**
 19 **IN AND FOR THE EASTERN DISTRICT OF CALIFORNIA**
 20 **SACRAMENTO DIVISION**

21 RYAN GUINN, an individual, on behalf of
 himself, and on behalf of all other persons
 22 similarly situated,

23 Plaintiffs,

24 v.

25 SUGAR TRANSPORT OF THE
 NORTHWEST, INC., a California
 26 corporation, and DOES 1 through 100,

27 Defendants.

Case No.: 2:16-cv-00325-WBS-EFB

**STIPULATION AND [PROPOSED]
 ORDER REGARDING NOTICE OF
 CLASS ACTION LAWSUIT**

Judge: Hon. William B. Shubb
 Courtroom: 5

28 /

1 COME NOW, Plaintiff, RYAN GUINN (“Plaintiff”), and Defendant, SUGAR
2 TRANSPORT OF THE NORTHWEST, INC. (“Defendant”) ((hereafter, Plaintiff and Defendants
3 will be referred to collectively as “the Parties”), by and through their respective attorneys of record,
4 hereby stipulate and agree as follows, with regard to providing notice of this Case to putative class
5 members consisting of Defendant’s former driver employees in California (hereafter “Putative Class
6 Members”):

7 1. The Parties stipulate and agree that, within five (5) days of the entry of this Stipulated
8 Order, a notice, titled, “NOTICE OF REQUEST FOR DISCLOSURE OF YOUR CONTACT
9 INFORMATION” (“the Notice”), will be sent by Simpluris, Inc. (“Notice Administrator”). The
10 Notice will be in the form that is attached hereto as Exhibit “A.”

11 2. The Parties further stipulate and agree that, with the referenced Notice, Notice
12 Administrator will send to the Putative Class Members a pre-addressed response postcard in the form
13 attached hereto as Exhibit “B.”

14 3. The Parties further stipulate and agree that the Putative Class Members will be given
15 twenty (20) days from the date Notice Administrator mails the Notice (with the response postcards)
16 in which to object to their name, address(es), and telephone number(s) being provided to Plaintiff’s
17 counsel (“Objection Period”).

18 4. The Parties further stipulate and agree that, on the third business day after the
19 conclusion of the Objection Period, Notice Administrator shall disclose to Plaintiff and Defendant,
20 the name(s), address(es), and telephone number(s) for any Putative Class Members for whom a
21 response postcard objecting to such disclosure has not been received, including those Putative Class
22 Members with non-deliverable addresses.

23 5. Plaintiff does not agree that the name(s), address(es), and telephone number(s) of
24 Putative Class Members are confidential or private and enters into this Stipulation without prejudice
25 to him seeking to obtain the names, addresses, and telephone numbers of all Putative Class Members
26 (including those who may object to the disclosure of such information) after the conclusion of the
27 Objection Period.
28

1 6. The Parties acknowledge and agree that the terms of this Stipulation and Order shall
2 govern their rights and responsibilities regarding the subject matter herein.

3 Dated: June 2, 2016

Respectfully submitted,

PAGANO & KASS, APC

/s/ Ian A. Kass

JAMES L. PAGANO, ESQ.,
IAN A. KASS, ESQ.,
Attorneys for Plaintiff, Ryan Guinn

8 Dated: May 27, 2016

LITTLER

MENDELSON, P.C.

/s/ John H. Adams, Jr.

ALAN S. LEVINS, ESQ.,
JOHN H. ADAMS, JR., ESQ.
Attorneys for Defendant,
Sugar Transport of the Northwest, Inc.

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ORDER

GOOD CAUSE APPEARING, it is hereby ORDERED, ADJUDGED, AND DECREED that all Parties to this action shall comply with the provisions of the attached Stipulation.

IT IS SO ORDERED.

Dated: June 2, 2016



WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE

EXHIBIT “A”

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA**

Ryan Guinn v. Sugar Transport of the Northwest, Inc., et al.,
Case Number 2:16-CV-00325-WBS-EFB

NOTICE OF REQUEST FOR DISCLOSURE OF YOUR CONTACT INFORMATION

**PLEASE READ THIS ENTIRE NOTICE CAREFULLY.
YOUR RIGHTS MAY BE AFFECTED.**

You are receiving this letter because you were employed by Sugar Transport of the Northwest, Inc. (“Sugar Transport”) as a driver within the State of California at some time between October 23, 2011 and June 30, 2015. A former Sugar Transport employee has filed a potential class action lawsuit that is currently pending in United States District Court, Eastern District of California, titled *Ryan Guinn v. Sugar Transport of the Northwest, Inc.*, Case Number 2:16-CV-00325-WBS-EFB (the “Lawsuit”). In the Lawsuit, Plaintiff Ryan Guinn (“Plaintiff”) seeks to represent all persons who were employed by Sugar Transport as a driver within the State of California as specified above.

The Lawsuit seeks compensation for what Plaintiff alleges are unpaid overtime wages, non-timely paid wages and unpaid premium wages for missed meal and rest breaks. In addition to unpaid wages, the class action seeks penalties, liquidated damages, interest and attorney’s fees. Sugar Transport denies the claims being made in the Lawsuit and denies that Plaintiff is entitled to the relief requested. The Court has not yet ruled on the merits of the parties’ claims.

You may be a part of this class action if the Court decides that this Lawsuit should proceed as a class action.

Plaintiff and his attorneys are investigating issues relating to the Lawsuit. To assist in the investigation, Plaintiff’s attorneys wish to gather information regarding potential class members. This notice is to inform you that Plaintiff’s attorneys have asked Sugar Transport for your name, address, telephone number, and personal e-mail address (contact information). Sugar Transport values the privacy rights of its current and former employees. Therefore, the parties are engaging in this privacy notification process.

IF YOU DO NOT WANT YOUR NAME, ADDRESS, TELEPHONE NUMBER, AND E-MAIL ADDRESS TO BE PROVIDED, YOU MUST COMPLETE AND RETURN THE ENCLOSED POSTCARD TO THE ADDRESS LISTED ON THE TOP OF THIS LETTER BY **[insert date twenty days from mailing]**. *The postcard must state your printed name,*

signature, and date. IF YOU CONSENT TO HAVING YOUR INFORMATION RELEASED, THEN YOU NEED TO DO NOTHING.

Completing and returning the enclosed postcard is not the same as opting out of the case altogether. If a class is certified you will still receive notice and will have an opportunity to decide whether to join the class, and you will not be insulated from responding to a lawfully served subpoena to be a witness at a deposition or trial. The Court has not yet made any determination of whether the Lawsuit should be a class action.

You are under no obligation to provide information to or discuss this matter with Plaintiff or his attorneys. You are also under no obligation to provide information to or to discuss this matter with Sugar Transport or any of its agents or attorneys. Should you choose to contact either party's counsel, the contact information for counsel for both Plaintiff and counsel for Sugar Transport are listed below.

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EXHIBIT “B”

[Proposed text for Return Card]

Ryan Guinn v. Sugar Transport of the Northwest, Inc., et al.,
U.S.D.C. E.D.Cal., Case Number 2:16-CV-00325-WBS-EFB

**IF YOU DO NOT WANT YOUR NAME, ADDRESS, AND TELEPHONE NUMBER
DISCLOSED TO THE PLAINTIFF'S LAWYERS, THIS PRE-ADDRESSED POSTCARD
MUST BE SIGNED AND RETURNED ON OR BEFORE JUNE , 2016.**

By signing below, I certify that I DO NOT want my name, address, and telephone number disclosed to Plaintiff's lawyers.

SIGNATURE _____
PRINT NAME _____
DATE _____