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17 Attorneys for Plaintiffs

18 **UNITED STATES DISTRICT COURT**  
 19 **NORTHERN DISTRICT OF CALIFORNIA**

21 DEAN ALEXANDER, et al.  
 22 Plaintiffs,  
 23 vs.  
 24 FEDEX GROUND PACKAGE SYSTEM,  
 25 INC., et al.,  
 26 Defendant.

Case No: 3:05-cv-38 EMC

**JOINT NOTICE OF SETTLEMENT  
 AND MOTION TO VACATE JULY 30  
 HEARING DATE AND SUSPEND  
 BRIEFING SCHEDULE**

Judge: Hon. Edward M. Chen  
 Hearing Date: July 30, 2015

1 Plaintiffs Dean Alexander, et al. (“Plaintiffs”) and Defendant FedEx Ground Package  
2 System, Inc. (“FXG”), by and through their respective undersigned counsel, hereby submit the  
3 following Joint Notice of Settlement and Joint Motion to Vacate the July 30 Hearing Date and to  
4 Suspend Briefing Schedule and, in support thereof, stipulate, agree, and state as follows:

5 1. The parties jointly notify the Court that they have reached a tentative settlement  
6 agreement to fully and finally resolve Plaintiffs’ remaining claims against FXG in this case with  
7 prejudice subject to court approval.

8 2. The parties are in the process of memorializing their formal settlement agreement,  
9 and related documents, for preliminary approval by this Court.

10 3. In light of the foregoing, the parties respectfully request that the Court vacate the  
11 July 30 hearing on FXG’s Motion to Clarify Class Definition (Dkt. No. 108, Filed 5/21/15), its  
12 Motion to Limit Plaintiffs’ Recoverable Damages Period (Dkt. No. 111, Filed 5/21/15), and its  
13 Motion to Exclude Settlement Deductions from Damages (Dkt. No. 113, Filed 5/21/15), and that  
14 the Court suspend the briefing schedule for those motions.

15 4. This Motion to Vacate is brought with the expectation that a motion for  
16 preliminary approval of the class action settlement will be filed during the week of June 28, 2015  
17 and will be heard during early August 2015 or as soon thereafter as the Court’s calendar will  
18 permit.

19  
20 Dated: June 25, 2014

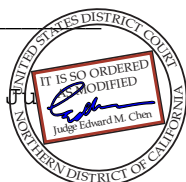
By: /s/ Beth A. Ross  
Beth A. Ross

21  
22 IT IS SO ORDERED. The  
23 further cmc is rescheduled  
24 for August 20, 2015 at 1:30  
25 p.m. An updated joint CMC  
statement shall be filed by  
August 13, 2015.

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Attorneys for Plaintiffs

26 Edward M. Chen  
27 U. S. District Court



By: /s/ Scott Voelz  
Carolyn Kubota  
Scott M. Voelz

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Package System, Inc.

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**FILER'S ATTESTATION**

Pursuant to Local Rule 5-1(i)(3), I hereby attest that the other signatory listed, on whose behalf the filing is submitted, concurs in the filing's content and has authorized the filing.

Dated: June 25, 2015

O'MELVENY & MYERS LLP

By: /s/ Scott M. Voelz  
Scott M. Voelz

Attorney for FedEx Ground  
Package System, Inc.