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UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

20	DEAN ALEXANDER, et. al.)	Case No: 3:05-cv-38 EMC
)	
21	Plaintiffs,)	JOINT STIPULATION AND
)	[PROPOSED] ORDER DIRECTING
22	vs.)	RE-NOTICE OF CLASS ACTION
)	SETTLEMENT AND RE-SETTING
23	FEDEX GROUND PACKAGE SYSTEM, INC.)	DEADLINES FOR THE FILING OF
24	et. al.,)	CLAIM FORMS, AND
)	CHALLENGES, OBJECTIONS AND
25	Defendant.)	EXCLUSION REQUESTS, AND
)	CONTINUING FINAL APPROVAL
26		/	HEARING

1 The parties to this lawsuit, by and through their respective counsel, do hereby stipulate as
2 follows:

- 3 1) On November 16, 2015, the court-appointed settlement administrator, Rust
4 Consulting, mailed the notice of the class settlement to members of the Plaintiff class
5 in accordance with the schedule set out in the preliminary approval order entered on
6 October 22, 2015.
- 7 2) Both Plaintiffs' counsel and Rust have received numerous calls from class members in
8 response to the mailing that have brought to light errors with the mailing list supplied
9 to Rust and the calculations underlying the estimated settlement payments described in
10 the settlement packet. These include:
- 11 a. The class mailing list supplied to Rust by plaintiffs' counsel contained
12 approximately 600 corrupted addresses resulting from an uploading error that
13 came to light after the class notice mailed.
 - 14 b. The estimated settlement payments reflected in the claimant identification
15 forms prepared for approximately 1021 of the 2016 class members were
16 erroneously overstated primarily for two reasons: (1) there were duplicate
17 entries in Defendant's scanner data for several hundred class members which
18 caused a doubling of their credited workweeks for portions of the class period;
19 (2) the preliminary calculations assigned workweek credit to class members for
20 all workweeks in which they were identified as a driver in the scanner data and
21 erroneously included weeks before they became contractors or after their
22 contracts terminated.
 - 23 c. The estimated settlement payments reflected in the claimant identification
24 forms for 83 class members who contracted with Defendant in its Home
25 Delivery service prior to January 2001 are under-stated because the scanner
26 data supplied by Defendant for its Home Delivery service does not include the
27 period November 17, 2000 to December 31, 2000 and an additional sum was
28 not included in the preliminary calculation for this six week period.

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1 d. The effect of the recalculation will cause a redistribution of approximately \$7
2 million dollars of class settlement fund that will increase the estimated pro rata
3 settlement shares of some class members and decrease others. Some class
4 members will receive significantly less than the initial estimate while, on
5 average, estimated settlement shares of the 1021 class members will be
6 reduced by approximately \$6800.

- 7 3) The parties agree that in order to provide class members with the most accurate
8 information possible regarding their claims and the estimated settlement payments
9 they may receive, and to give them the benefit of the full sixty day period to consider
10 the terms of the settlement, file objections with the court, opt-out (if permitted) and
11 file claims with the settlement administrator, the following should occur: (a) the notice
12 period should be extended by approximately 4 weeks from January 16, 2016 to
13 February 15, 2016 with the corrected notice mailed by the settlement administrator no
14 later than December 14, 2015; (b) the final approval hearing on calendar for March
15 24, 2016 should be rescheduled to a date no earlier than April 7, 2016; and (c) new
16 notice should be provided to the entire class using corrected addresses where
17 necessary and reflecting corrected calculations of estimated settlement payments.
- 18 4) As of this filing, approximately 78 class members have submitted claims to the
19 settlement administrator and claims will continue to be submitted prior to any
20 remailing. The parties agree that all claims submitted to the settlement administrator
21 prior to the remailing should be accepted by the settlement administrator and the Court
22 with the understanding that the revised data will determine the estimated settlement
23 payments for each class member.
- 24 5) The parties agree that the corrected notice should be accompanied by a cover letter
25 explaining the reason for the second notice, highlighting the material differences
26 between the two notices – i.e. the extension of the claim filing and objection deadline
27 to February 15, 2016 and the new hearing date of no earlier than April 7, 2016, and
28

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1 explaining that all claims previously filed by class members will be honored. A copy
2 of this proposed communication is attached hereto as **Exhibit A**.

3 6) All costs associated with the corrected notice procedure will be borne by Plaintiffs'
4 counsel. Plaintiffs' counsel is confident that the issues discussed above have been
5 appropriately addressed and that the recalculation of the estimated settlement shares
6 represents the result of the best information possible.

7
8 Respectfully submitted,

9 **LEONARD CARDER, LLP**

10
11 Dated: December 3, 2015

11 By: /s/ Beth A. Ross

12 Beth A. Ross
13 Attorneys for Plaintiffs and Plaintiff Class

14
15 **O'MELVENY & MYERS LLP**

16
17 Dated: December 3, 2015

17 By: /s/ Scott Voelz

18 Carolyn Kubota
19 Scott Voelz
20 Attorneys for Defendant
21 FedEx Ground Package System, Inc.

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ORDER

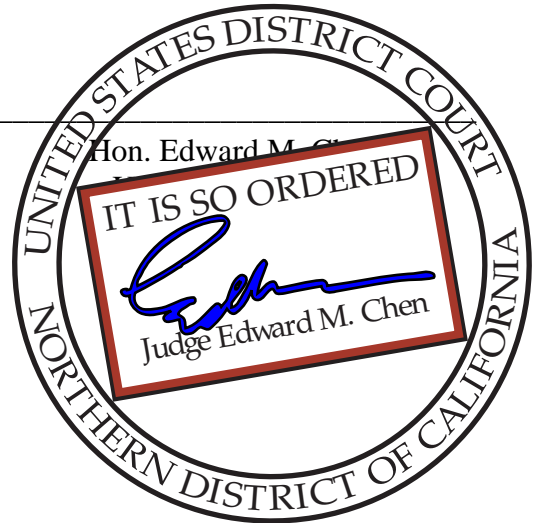
Pursuant to stipulation of the parties and good cause appearing, the Court hereby
ORDERS as follows:

1. The January 16, 2016 deadline for class members to file claims with the
Settlement Administrator, to file objections to the settlement, and, where applicable, to opt-out of
the general class and/or the meal and rest period settlement subclass shall be extended to
February 15, 2016.

2. The final approval hearing scheduled for March 24, 2016 shall be continued to
April 7, 2016.

3. The Settlement Administrator is directed to send corrected notice packets to all
members of the Alexander class no later than December 14, 2015 reflecting the extended
February 15, 2016 deadline for the filing of claims, objections, and opt-outs, and the April 7,
2016 final approval hearing accompanied by a cover letter in the form attached as Exhibit A
hereto.

DATED: December ⁴, 2015



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Exhibit A

Enclosed is a corrected Notice Packet relating to the class action settlement in Alexander v FedEx Ground Packages System, Inc. US District Court Northern District of California Case No. 05-cv-0038 EMC. You are receiving this corrected Notice Packet for two reasons: (1) the November 16, 2015 mailing was inadvertently sent to a large number of incorrect addresses; and (2) the preliminary calculations on which the estimated settlement payments were based have been adjusted for accuracy.

Whether this is the first notice you have received of the class action settlement, or whether you also received the notice packet mailed on November 16, 2015, **please review the contents of the enclosed notice and claimant identification form and the instructions for filing claims, objections, requests for exclusion, and challenges to the preliminary payment calculations. All deadlines for these filings have been extended by the Court from January 15, 2016 to February 15, 2016 (see below).** Additionally, the amount of your estimated pro rata settlement payment has changed. It will be higher or lower than the previous estimate.

The reason for the extension is to provide all potential class members with a full sixty-day period to consider the terms of the settlement and decide how they wish to proceed. The new deadlines are:

- 1) **February 15, 2016:** Deadline for filing **Claimant Identification forms** with Rust Consulting by U.S. Mail (postmarked) or on-line at www.alexander-v-fedexground-settlement.com.
- 2) **February 15, 2016:** Deadline for filing **Challenge to amount of Estimated Settlement Share** by U.S. Mail (postmarked) (challenges may not be filed on-line)
- 3) **February 15, 2016:** Deadline for filing **Requests for Exclusion** from the class and/or the meal and rest break settlement subclass with the U.S. District Court by U.S. Mail (exclusion requests may not be filed on on-line)
- 4) **February 15, 2016:** Deadline for filing **Objections to Settlement and Notice of Intent to Appear at the Final Approval Hearing** with the U.S. District Court by U.S. Mail (objections may not be filed on-line)

Additionally, the Final Approval Hearing has been moved from March 24, 2016 to April 7, 2016.

If you have already received and filed a Claimant Identification form and W-9 form with Rust Consulting, either by mail or on-line, **you do not need to submit these documents again.** However, the correct estimate of your estimated settlement payment is reflected in the enclosed packet and it is different than the earlier notice packet you may have received. If you are concerned about the status of your claim in any way, please don't hesitate to submit the claimant identification and W-9 forms again. All valid claim forms that are filed by the February 15, 2016 deadline will be accepted.

If you have questions about any aspect of the settlement, please contact either Plaintiffs' attorneys or Rust Consulting. Their contact information can be found in the enclosed notice.