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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STANLEY KRZESNIAK,

Plaintiff(s),

vs.

CENDANT CORPORATION, et al.,

Defendant(s).

No. C 05-5156 MEJ

**REVISED PARTIAL JUDGMENT AND
DISMISSAL OF CLASS ACTION
CLAIMS WITH PREJUDICE ON FINAL
APPROVAL OF SETTLEMENT**

**ORDER SCHEDULING CASE
MANAGEMENT CONFERENCE RE:
INDIVIDUAL FMLA AND CFRA
CLAIMS**

Proceedings regarding the proposed settlement of the above-referenced class action have been regularly conducted before this Court. Plaintiff Class has been represented by Peter S. Rukin and Steven M. Tindall of Rukin Hyland Doria & Tindall; Defendants has been represented by Michael Hoffman of Arena Hoffman LLP.

The Court first conducted a preliminary hearing on May 6, 2008, on Plaintiff's unopposed Application for Preliminary Approval of Class Action Settlement. After considering all supporting papers, evidence, and arguments, the Court granted preliminary approval of the settlement. Further, after determining that the proposed Notice of Class Action met all constitutional and statutory requirements, including due process, the Court ordered said Notice to be mailed in accordance with all constitutional and statutory requirements, including due process. Subsequently, and in accordance with the Notice of Class Action, the Court considered the properly noticed Motion for Order of Final Approval and Good Faith Determination of the Settlement, and the application of

1 Class Counsel for attorneys' fees and expenses.

2 After fully considering all supporting papers, evidence, and arguments, and having reviewed
3 Class Counsel's declaration concerning the giving of Notice of Class Action to class members in
4 accordance with the Court's order, and having fully and carefully considered the application for
5 attorneys' fees, good cause appearing, the Court issued its Order of Final Approval and Good Faith
6 Determination of Settlement, finding said settlement to be fair, reasonable, and adequate. Therefore,
7 the Court hereby adjudges and decrees that partial judgment and dismissal with prejudice of the
8 class action claims raised in this litigation and all wage-related claims in the complaint, whether
9 individual or certified, pursuant to the Order of Final Approval of Settlement of Class Action, is
10 hereby made and shall be entered by the Clerk pursuant to the terms and conditions set forth therein.
11 This Judgment and Dismissal, however, does not affect Plaintiff's individual claims brought under
12 the Family and Medical Leave Act (FMLA) and the California Family Rights Act (CFRA), which
13 shall proceed under Case No. C 05-5156 MEJ. The Court declines to remove or lower the \$1,500
14 incentive award.

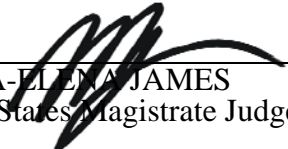
15 As Plaintiff's individual FMLA and CFRA claims remain pending, the Court shall conduct a
16 Case Management Conference on October 9, 2008 at 10:00 a.m. in Courtroom B. The parties shall
17 file a joint case management conference statement by October 2, informing the Court as to how they
18 wish to proceed in this matter. The parties shall include a statement regarding whether it would be
19 beneficial to refer the remaining claims to another magistrate judge for a settlement conference.

20 **IT IS SO ORDERED.**

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22 Dated: September 26, 2008

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MARIA-ELENA JAMES
United States Magistrate Judge

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