

FILED

OCT 22 2008

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

1 Richard C. Bolanos, Bar No. 111343
rbolanos@lcwlegal.com
2 Cepideh Roufougar, Bar No. 225206
croufougar@lcwlegal.com
3 LIEBERT CASSIDY WHITMORE
A Professional Law Corporation
4 153 Townsend Street, Suite 520
San Francisco, CA 94107

5 Telephone: (415) 512-3000
6 Facsimile: (415) 856-0306

7 Attorneys for Defendant
CITY OF CONCORD

8
9 UNITED STATES DISTRICT COURT

10 FOR THE NORTHERN DISTRICT OF CALIFORNIA

11 RON BRUCKERT, et al

Case No. C06-06920 BZ

12 Plaintiffs,

**STIPULATION FOR DISMISSAL WITH
PREJUDICE AND FOR ENTRY OF
JUDGMENT; ORDER APPROVING
STIPULATION AND DISMISSAL WITH
PREJUDICE**

13 v.

14 CITY OF CONCORD,

15 Defendant.

16
17 Whereas, Ron Bruckert and other City of Concord sworn police personnel
18 (collectively referred to as "Plaintiffs") filed a complaint in the U.S. District Court for the
19 Northern District of California on or about November 6, 2006, entitled, *Ron Bruckert v.*
20 *City of Concord*, Case No. C06-06920 BZ ("Lawsuit") against the City of Concord for
21 violation of the Fair Labor Standards Act ("FLSA"), alleging that the City had failed to
22 pay the appropriate amount of FLSA overtime compensation;

23 Whereas, each Plaintiff who confirmed his or her choice to join this lawsuit has
24 already signed a "Consent to Join Action (Fair Labor Standards Act, 29 USC § 216(b))"
25 and has not withdrawn his or her consent to this date;

26 Whereas, all parties desire to fully resolve this matter and to avoid incurring further
27 costs and expenses incident to the litigation in this matter;

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San Francisco, CA 94107

1 Whereas, all parties have agreed to the terms of the attached "Settlement
2 Agreement and General Release of Claims" attached hereto as evidenced by their
3 signature pages;

4 Whereas, the parties agree that this settlement is a resolution of disputed matters
5 and is not, in any way, an admission of liability, fault or wrongdoing on the part of any
6 party;

7 IT IS HEREBY STIPULATED, by and between the parties of this action, and
8 through their designated legal counsel, that the above-captioned action will be disposed of
9 as follows:

10 1. That the Court order that his action be dismissed with prejudice in its
11 entirety as to all parties pursuant to Federal Rule of Civil Procedure 41(a)(2) based upon
12 the terms and conditions stated in the attached Settlement Agreement and General Release
13 of Claims;

14 2. That the Plaintiffs must each sign document(s) evidencing their agreement
15 to both this "Stipulation With Prejudice and for Entry of Judgment" and the "Settlement
16 Agreement and General Release of Claims" before they can receive any wage payment
17 due under the "Settlement Agreement and General Release of Claims";

18 3. That any action to enforce the attached Settlement Agreement and General
19 Release of Claims be brought in Superior Court of California, in and for the County of
20 Contra Costa and/or the United States District Court for the Northern District of
21 California, to the extent of this Court=s jurisdiction; and

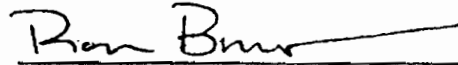
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153 Townsend Street, Suite 520
San Francisco, CA 94107

1 4. That the Clerk of the Court enter final judgment dismissing this action with
2 prejudice in its entirety.

3 Dated: 08-25, 2008

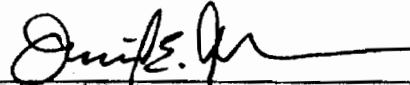
FOR THE PLAINTIFFS

4 

5 Ron Bruckert
6 Named Plaintiff

7
8 Dated: 9-2, 2008

CITY OF CONCORD

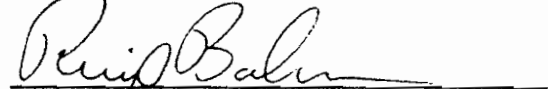
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10 Edward R. James DANIEL E. KEEN
11 Interim City Manager

12 Approved as to Form and Content

13
14 Dated: 9/11/, 2008

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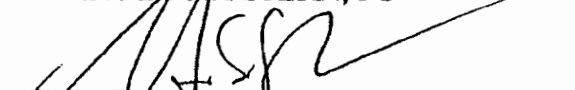
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16 Richard Bolanos, Esq.
17 Cepideh Roufougar, Esq.
18 Attorneys for Defendant

19 Approved as to Form and Content

20 Dated: 8-25, 2008

RAINS LUCIA STERN, PC

21 

22 Harry Stern, Esq.
23 Matthew George, Esq.
24 Attorneys for Plaintiffs

LIEBERT CASSIDY WHITMORE
A Professional Law Corporation
153 Townsend Street, Suite 520
San Francisco, CA 94107

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ORDER APPROVING STIPULATION AND DISMISSAL WITH PREJUDICE

The Court having considered the parties' stipulation submitted herein and good cause appearing therefore, IT IS HEREBY ORDERED:

1. That this action is dismissed with prejudice in its entirety as to all parties pursuant to Federal Rule of Civil Procedure 41(a)(2) based upon the terms and conditions stated in the Settlement Agreement and General Release of Claims;
2. That any action to enforce the parties' Settlement Agreement and General Release of Claims be brought in the Superior Court of California, in and for the County of Contra Costa and/or the United States District Court for the Northern District of California, to the extent of this Court=s jurisdiction; and
3. That the Clerk of the Court enter final judgment dismissing this action with prejudice and in its entirety

SO ORDERED

Dated: 22 Oct, 2008



The Honorable Bernard Zimmerman
U.S. District Court Magistrate Judge

LIEBERT CASSIDY WHITMORE
A Professional Law Corporation
155 Townsend Street, Suite 620
San Francisco, CA 94107