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11 Attorneys for Plaintiff
 12 GREG LEMMON

13
 14 IN THE UNITED STATES DISTRICT COURT
 15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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|----|----------------------------|---|-------------------------------------|
| 16 | GREG LEMMON |) | Case Number: C06-07107 MHP |
| 17 | |) | |
| 18 | |) | STIPULATION FOR DISMISSAL |
| 19 | v. |) | WITH PREJUDICE AND FOR ENTRY |
| 20 | CITY OF SAN LEANDRO |) | OF JUDGMENT; ORDER APPROVING |
| 21 | |) | STIPULATION AND DISMISSAL |
| 22 | |) | WITH PREJUDICE |

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STIPULATION FOR DISMISSAL WITH PREJUDICE

1 Whereas, Greg Lemmon and other City of San Leandro sworn police personnel
2 (collectively referred to as "Plaintiffs") filed a complaint in the U.S. District Court for the
3 Northern District of California on or about November 16, 2006, entitled *Greg Lemmon v. City of*
4 *San Leandro*, Case No. C06-07107 MHP ("Lawsuit") against the City of San Leandro for
5 violation of the Fair Labor Standards Act ("FLSA"), alleging that the City had failed to pay the
6 appropriate amount of FLSA overtime compensation;

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9 withdrawn his or her consent to this date;

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

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

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

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

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

23 3. That any action to enforce the attached Settlement Agreement and General Release of
24 Claims be brought in Superior Court of California, in and for the County of Alameda; and

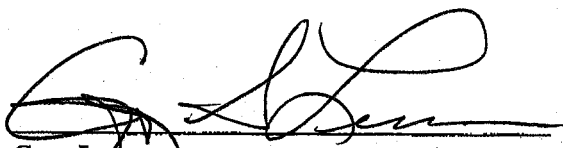
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4. That the Clerk of the Court enter final judgment dismissing this action with prejudice in its entirety.

FOR THE PLAINTIFFS

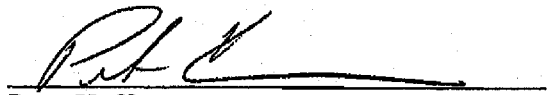
Dated: February 17, 2009


Greg Lehmon
Named Plaintiff

PLAINTIFFS' COUNSEL

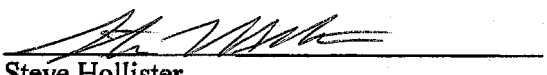
RAINS LUCIA STERN, PC

Dated: February 11, 2009


Peter Hoffmann
Attorneys for Plaintiffs

FOR THE DEFENDANTS

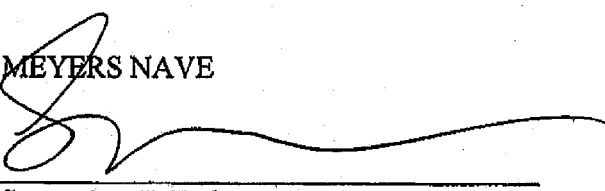
Dated: February 17, 2009


Steve Hollister
City Manager for Defendant

DEFENDANTS' COUNSEL

MEYERS NAVE

Dated: February __, 2009


Samantha W. Zutler
Attorneys for Defendant

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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 Rules 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 Alameda; and
3. That the Clerk of the Court enter final judgment dismissing this action with prejudice and in its entirety.

IT IS SO ORDERED

Dated: February 20, 2009

