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6 Attorneys for Defendant
 7 METROPOLITAN LIFE INSURANCE
 8 COMPANY

9 **UNITED STATES DISTRICT COURT**
 10 **NORTHERN DISTRICT OF CALIFORNIA**
 11 **SAN FRANCISCO DIVISION**

12 KIM REEDER, MICHELLE ALVES,
 13 ELMO CASH, DONALD MYERS, and
 DANIEL CABALLERO, individually, and
 on behalf of all others similarly situated,
 14
 15 Plaintiff,
 16
 vs.
 17 METROPOLITAN LIFE INSURANCE
 COMPANY,
 18 Defendant.

Case No. CV 07-00538 SI

**JOINT APPLICATION AND [PROPOSED
 ORDER] FOR DISMISSAL OF CASE
 WITH PREJUDICE**

19
 20 WHEREAS, on July 31, 2009, this Court entered a Final Approval Order and Judgment
 21 Approving Settlement (“Final Approval Order”) in the related matter of *Weinstein, et. al. v.*
 22 *Metropolitan Life Insurance Co., et. al.*, Case No. 06-cv-04444 (SI) (the “*Weinstein Action*”).
 23 *Weinstein* Docket Entry # 220; and

24 WHEREAS, the Final Approval Order in the *Weinstein Action* became effective on
 25 August 31, 2009; and

26 WHEREAS, two of the original named Plaintiffs in this action, Kim Reeder and Elmo
 27 Cash, participated in the *Weinstein* settlement and, by operation of the Final Approval Order,
 28 they, and the members of the putative class they sought to represent in this action, have released

1 all of their claims against Defendant Metropolitan Life Insurance Company (“MetLife”); and

2 WHEREAS, the remaining three original named Plaintiffs in this action, Michele Alves
3 (“Alves”), Donald Myers (“Myers”), and Daniel Caballero (“Caballero”), each opted out of the
4 *Weinstein* settlement. *See Weinstein* Docket Entry # 220; and

5 WHEREAS, named Plaintiffs Alves, Myers, and Caballero (the “Plaintiffs”) and
6 Defendant Metropolitan Life Insurance Co. (“MetLife”) (together, the “Parties”) subsequently
7 entered into a settlement and executed a General Release Agreement resolving all of Plaintiffs’
8 claims against MetLife, including all claims arising under the Fair Labor Standards Act of 1938
9 (“FLSA”), as amended 29 U.S.C. §§201, *et. seq.*, in exchange for valuable consideration;

10 NOW THEREFORE, the Parties hereby jointly and respectfully request that the Court,
11 pursuant to Federal Rule of Civil Procedure 41(a)(1), discontinue and dismiss with prejudice the
12 above titled-action as to all parties, with each party bearing his, her, or its own fees and costs,
13 except as provided for in the General Release Agreement entered into between the parties.

14 Dated: October 20, 2009

15 By: _____/s/ (with permission)
16 Matthew S. Bainer
17 Attorney for Plaintiffs

18 Dated: October 20, 2009

MORGAN LEWIS & BOCKIUS LLP

19 By: _____/s/
20 M. Michael Cole
21 Attorney for Defendant Metropolitan Life Ins. Co., Inc.

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[PROPOSED] ORDER

Having been advised by the Parties that a General Release Agreement was entered into, pursuant to which Ms. Alves and Messrs. Caballero and Myers have agreed to release all claims, including all claims arising under the Fair Labor Standards Act of 1938 ("FLSA"), as amended 29 U.S.C. §§201, *et. seq.*, against MetLife in exchange for valuable consideration, the matter of *Reeder, et. al. v. Metropolitan Life Ins. Co.*, United States District Court, Northern District of California, Case No. 07-cv-00538 SI, is, by reason of the settlement, hereby dismissed with prejudice in its entirety as to all parties.

IT IS SO ORDERED.

Dated: _____



The Hon. Susan Illston