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13 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

18 MIGUEL A. CRUZ and JOHN D.  
 HANSEN, individually and on behalf of all  
 19 others similarly situated,

20 Plaintiffs,

21 v.

22 DOLLAR TREE STORES, INC.,  
 Defendant.

**Case No. C-07-2050 SC**

**CONSOLIDATED ACTION**

**STIPULATION AND [~~PROPOSED~~] ORDER  
 DISMISSING PLAINTIFFS' FLSA  
 ALLEGATIONS WITHOUT PREJUDICE**

23 ROBERT RUNNINGS, individually, and  
 24 on behalf of all others similarly situated,

25 Plaintiff,

26 v.

27 DOLLAR TREE STORES, INC.,  
 Defendant

**Case No.: C-07-4012 SC**

**CONSOLIDATED ACTION**

**Date:** TBD  
**Time:** TBD  
**Dept.:** Courtroom 1, 17th Floor  
**Judge:** Hon. Samuel Conti

1 WHEREAS Plaintiffs John Hansen and Miguel Cruz included a claim arising under the Fair  
2 Labor Standards Act (the "FLSA") in their initial complaint.

3 WHEREAS Plaintiff Robert Runnings did not include an FLSA claim in his initial  
4 complaint;

5 WHEREAS Defendant Dollar Tree Stores, Inc. ("Defendant") denies that it violated the  
6 FLSA with respect to Plaintiffs Miguel A. Cruz, John D. Hansen and/or Robert Runnings  
7 ("Plaintiffs");

8 WHEREAS Plaintiffs' California state law claims subsume, as a practical matter, relief  
9 available via the FLSA claims alleged in the operative complaints;

10 WHEREAS no party will incur any prejudice as a result of this Stipulation; and

11 WHEREAS Plaintiffs Cruz and Hansen do not wish to pursue their FLSA claims through the  
12 instant litigation;

13 THE PARTIES, THEREFORE, AGREE AS FOLLOWS:

14 Plaintiffs request, and Defendant does not oppose, dismissal of Plaintiffs' FLSA claims  
15 without prejudice.

16 Dated: September 26, 2011

SCOTT COLE & ASSOCIATES, APC

17  
18 By: /s/ Molly A. DeSario  
Molly A. DeSario, Esq.  
Attorneys for Plaintiffs

19 **I HEREBY ATTEST THAT THE CONTENT OF THIS DOCUMENT IS ACCEPTABLE TO**  
20 **ALL PERSONS REQUIRED TO SIGN THIS DOCUMENT**

21  
22 Dated: September 26, 2011

LITTLER MENDELSON, APC

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24 By: /s/Matthew P. Vandall  
Matthew P. Vandall  
Attorneys for Defendant  
Dollar Tree Stores, Inc.

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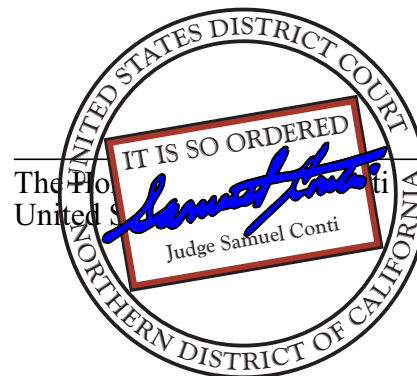
**[PROPOSED] ORDER**

Plaintiffs' FLSA allegations are hereby dismissed without prejudice.

IT IS SO ORDERED.

Dated: September 27, 2011

By:



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