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11 Attorneys for Plaintiffs
 ALEX GALVEZ and MARC GARVEY, on behalf
 12 of all others similarly situated

13
 14 **UNITED STATES DISTRICT COURT**
 15 **NORTHERN DISTRICT OF CALIFORNIA**

16 ALEX GALVEZ, an individual, and MARC
 17 GARVEY, an individual, and on behalf of all
 other similarly situated,

18 Plaintiffs,

19 v.

20 FEDERAL EXPRESS INC., a Delaware
 21 Corporation, and DOES 1-500, inclusive,

22 Defendants.

Case No. C 07-02505 TEH

**STIPULATION AND ~~PROPOSED~~
 ORDER TO FILE THIRD AMENDED
 COMPLAINT**

Hon. Thelton E. Henderson

1 **STIPULATION**

2 Pursuant to Federal Rule of Civil Procedure 15(a)(2), the parties to this action, through
3 their respective counsel of record, stipulate to the filing of a Third Amended Complaint, as
4 follows:

5 WHEREAS, there is an action pending in the United States District Court for the Central
6 District, captioned Lauderdale v. Federal Express Corporation, 2:11-cv-00902-DSF-PJW;

7 WHEREAS, the parties have agreed to add Cedric Lauderdale, the named representative
8 Plaintiff in Lauderdale v. Federal Express Corporation, as a named representative Plaintiff to this
9 case;

10 WHEREAS, the parties have further agreed to amend the Second Amended Complaint in
11 this action to add the claims alleged in the Lauderdale action;

12 WHEREAS, the parties have further agreed to amend the Second Amended Complaint to
13 add Cedric Lauderdale’s current counsel, Initiative Legal Group, to the caption;

14 WHEREAS, upon the filing of a Third Amended Complaint, the Lauderdale action will
15 be dismissed;

16 WHEREAS, Plaintiffs’ counsel is filing concurrent with this stipulation, a Motion to
17 Withdraw as Counsel For Plaintiff Alex Galvez and To Remove Alex Galvez as Class
18 Representative;

19 WHEREAS, the parties also seek to amend the Second Amended Complaint to remove
20 Alex Galvez as a named representative in this action;

21 WHEREAS, the parties also stipulate to correcting the Defendant’s name in the caption
22 and in the body of the Second Amended Complaint, now erroneously listed as Federal Express,
23 Inc., to its proper name, Federal Express Corporation;

24 WHEREAS, because the sole purpose of this Stipulation is to effectuate a contemplated
25 global settlement, the parties agree that Defendant need not file an answer or other responsive
26 pleading to the Third Amended Complaint unless preliminary or final approval of the settlement
27 is not granted. The parties agree that Defendant shall have 30 days after the entry of any order
28 denying preliminary or final approval to file an answer or other responsive pleading;

1 WHEREAS, the parties agree that by stipulating to the filing of the Third Amended
2 Complaint, Defendant does not concede the accuracy or veracity of any of the allegations therein
3 and reserves its right to challenge the Third Amended Complaint in part or in its entirety in the
4 event the contemplated global settlement does not receive final approval.

5 ACCORDINGLY, IT IS HEREBY STIPULATED THAT the parties may file a Third
6 Amended Complaint.

7
8 DATED: May 7, 2012

LAW OFFICES OF DANIEL FEDER
KERR & WAGSTAFFE LLP

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10
11 By /s Michael von Loewenfeldt
MICHAEL VON LOEWENFELDT

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13 Attorneys for Plaintiffs
ALEX GALVEZ and MARC GARVEY, on behalf
14 of all others similarly situated

15 DATED: May 7, 2012

FEDERAL EXPRESS CORPORATION

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17 By /s Sandra C. Isom
SANDRA C. ISOM

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19 Attorneys for Defendant
FEDERAL EXPRESS CORPORATION
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~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS HEREBY ORDERED THAT a Third Amended
Complaint may be filed.

IT IS SO ORDERED.

DATED: 06/11/2012

