

BRIAN S. KABATECK, SBN 152054
bsk@kbklawyers.com
RICHARD L. KELLNER, SBN 171416
rlk@kbklawyers.com
KABATECK BROWN KELLNER LLP
644 South Figueroa Street
Los Angeles, CA 90017
Telephone: (213) 217-5000
Facsimile: (213) 217-5010

SHAWN KHORRAMI, SBN 180411
skhorrami@kpalawyers.com
ROBERT J. DREXLER, JR SBN 119119
KHORRAMI POLLARD & ABIR LLP
444 S. Flower St., Thirty-Third Floor
Los Angeles, California 90071
Telephone: (213) 596-6000
Facsimile: (213) 569-6010

*Attorneys for Plaintiff
and the Proposed Class*

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA –OAKLAND DIVISION

CV 07-03430

TORESSA LOCKETTE; an individual;
individually and on behalf of all other
similarly situated current and former
employees,

Plaintiffs,

vs.

ROSS STORES, INC., a Delaware
Corporation, ROSS DRESS FOR LESS, INC.,
a Virginia Corporation, and DOES 1 through
100,

Defendants.

CASE NO. ~~CV 03430~~ MMC

CLASS ACTION

STIPULATION AND ~~[PROPOSED]~~
ORDER RE MODIFICATION OF
SETTLEMENT AGREEMENT TO
PROVIDE FOR *CY PRES*
CONTRIBUTIONS TO AGREED
CHARITY

1 WHEREAS, this Court entered its final approval order in regard to the Stipulation and
2 Agreement of Settlement ("Settlement") on March 11, 2009; and

3 WHEREAS, the Settlement provided at Section 8(B)-8(D) for a \$1,200,000 Common
4 Fund with an incentive payment of \$5,000 to the named Plaintiff and payment of thirty three
5 percent of the Fund to Class Counsel for attorney's fees and costs;

6 WHEREAS, pursuant to Section 8(E) the Settlement agreement, opt-in class members
7 would be provided their pro-rata share of the of the Common Fund after the above mentioned
8 deductions, divided by the total number of workweeks worked by opt-in class members;

9 WHEREAS, 1,590, or 63.8%, of class members opted into the Settlement, and
10 constituted 83,968.76 of the 127,395.06 total possible workweeks;

11 WHEREAS, Defendants Ross Stores, Inc. and Ross Dress for Less, Inc. paid \$795,000 to
12 opt-in class members, which funds were maintained by RG2 Claims Administration and
13 subsequently distributed;

14 WHEREAS, 1563 class members cashed Settlement Checks, but despite diligent efforts
15 by RG2 Claims Administration to contact claimants by telephone and by the issuance of a letter
16 to their last known address, twenty seven claimants failed to cash their Settlement Checks, with
17 the result of \$2,700.00 in unclaimed monies;

18 WHEREAS Class Counsel proposed and Defendant agreed, that rather than requiring the
19 return of \$2,700.00 in unclaimed portions of the fund, to request the Court to approve
20 modification of the Settlement to direct the funds, *cy pres*, to the *UC Berkeley Center for Labor*
21 *Research and Education*. The *Center for Labor Research and Education* is a not for profit public
22 service and outreach program that conducts research and education on issues related to labor and
23 employment;

24 WHEREAS the funds described herein shall be used exclusively for the purposes stated
25 above and not for litigation purposes;

26 WHEREAS the parties have further agreed that additional notice to the Class should not
27 be required in light of the nature of the modification and the prohibitive cost notice would
28 require; and

1 WHEREAS, Section 16 of the Settlement provides that this Court retains jurisdiction
2 over the Action and this Settlement.

3 NOW, THEREFORE, THE PARTIES, BY AND THROUGH THEIR COUNSEL,
4 STIPULATE AND AGREE AS FOLLOWS:

- 5 1. Upon approval of this Stipulation, Class Counsel will direct the \$2,700.00 of
6 unclaimed monies to the UC Berkeley Center for Labor Research and Education.
7 2. This Stipulation shall be null and void and of no effect if it is not approved as
8 submitted;
9 3. This Stipulation shall be null and void and of no effect if the Court directs that
10 further notice to the Class should be given.

11
12 KABATECK BROWN KELLNER LLP

13
14 DATED:

By: 

RICHARD KELLNER, Esq.
Attorneys for Plaintiff

15
16
17 KHORRAMI, POLLARD & ABIR, LLP

18
19 DATED:

By: 

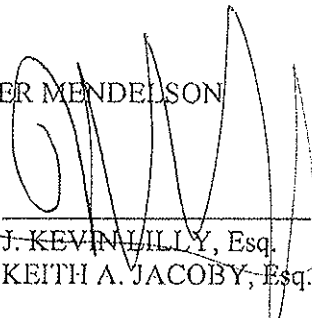
SHAWN KHORRAMI, Esq.
ROBERT J. DREXLER, Esq.

Attorneys for Plaintiff

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: 5/25/10


LITTLER MENDELSON

By: 
J. KEVIN MILLY, Esq.
KEITH A. JACOBY, Esq.
Attorneys for Defendants

~~PROPOSED~~ ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: June 4, 2010


HON. MAXINE M. CHESNEY
UNITED STATES DISTRICT JUDGE