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STEVEN M. TINDALL (SBN 187862)  
RUKIN HYLAND & DORIA LLP  
100 Pine Street, Suite 725  
San Francisco, CA 94111  
Telephone: (415) 421-1800  
Facsimile: (415) 421-1700

ELLYN MOSCOWITZ (State Bar No. 129287)  
LAW OFFICES OF ELLYN MOSCOWITZ  
1629 Telegraph Ave, Fourth Floor  
Oakland, California 94612  
Telephone: (510) 899-6240  
Facsimile: (510) 899-6245  
emoscowitz@moscowitzlaw.com

Attorneys for Individual and Representative Plaintiffs

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA**

GERALD LEE and STEVEN TAYLOR,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

vs.

CONAM INSPECTION AND  
ENGINEERING SERVICES, INC.,

Defendant.

**CASE NO. 3:07-cv-04956-SI**

**CLASS ACTION**

**NOTICE OF SETTLEMENT AND  
STIPULATION AND [PROPOSED]  
ORDER REGARDING CLASS  
CERTIFICATION HEARING AND CASE  
MANAGEMENT CONFERENCE**

**Courtroom: 10**

**Judge: Hon. Susan Illston**

Plaintiffs Gerald Lee and Steve Taylor and Defendant Conam Inspection and Engineering Services, Inc., through their attorneys of record, jointly submit the following notice to the Court and stipulation regarding the hearing on class certification and the case management conference in this action.

1 WHEREAS, the hearing on Plaintiffs' motion for class certification is currently scheduled  
2 to be held by the Court on November 7, 2008 at 9:00 a.m.;

3 WHEREAS, the Court has scheduled a case management conference in this matter on  
4 November 7, 2008 at 2:30 p.m.;

5 WHEREAS, on October 13, 2008, the parties conducted an all-day mediation with Mark  
6 Rudy of Rudy, Exelrod & Zieff, a mediator with substantial experience in employment class  
7 action litigation;

8 WHEREAS, as a result of this mediation and settlement negotiations following the  
9 mediation, the parties have agreed to a settlement of this proposed class action, pending  
10 resolution of final settlement terms and preliminary and final approval by the Court;

11 WHEREAS, the parties are working out the detailed terms of the settlement, which they  
12 hope to present to the Court for final approval shortly;

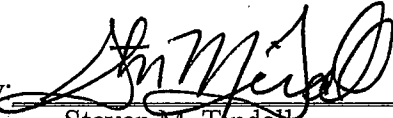
13 WHEREAS, the parties believe it is in the interests of the parties and of judicial efficiency  
14 to postpone the class certification hearing and case management conference until the settlement  
15 approval process has taken place;

16 IT IS HEREBY AGREED AND STIPULATED BETWEEN THE PARTIES that (1) the  
17 hearing on Plaintiffs' motion for class certification will be taken off calendar, subject to being  
18 rescheduled if the settlement does not receive final Court approval; (2) the case management  
19 conference will be taken off calendar; and (3) the parties will schedule a preliminary approval  
20 hearing with the Court promptly after reaching a final settlement agreement.

21 Respectfully submitted,

22 DATED: October 31, 2008

23 RUKIN HYLAND DORIA & TINDALL LLP

24 By:   
25 Steven M. Tindall

26 LAW OFFICE OF ELLYN MOSCOWITZ  
27 Ellyn Moscovitz

28 Attorneys for Plaintiffs

1 DATED: October 31, 2008

FULBRIGHT & JAWORSKI, LLP

2  
3 By: Marcus A. Torrano  
4 Marcus A. Torrano  
Attorneys for Defendant

5  
6 **PROPOSED ORDER**

7 For good cause shown, the Court hereby takes the class certification hearing and case  
8 management conference, currently scheduled for November 7, 2008, off calendar. If necessary,  
9 the parties may reschedule the class certification hearing if the settlement does not receive final  
10 approval by the Court. The parties are instructed to reserve with the Court a date for preliminary  
11 approval of the settlement promptly after reaching a final settlement agreement. The parties shall  
12 submit any papers in support of preliminary settlement approval at least two weeks before the  
13 preliminary approval hearing date. which shall be scheduled for no later than 12/12/08.

14  
15 **IT IS SO ORDERED.**

16 Susan Illston  
17 Hon. Susan Illston  
18 United States District Court Judge