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9 ALDERWOODS GROUP, INC., PAUL  
 10 HOUSTON, SERVICE CORPORATION  
 11 INTERNATIONAL, SCI FUNERAL AND  
 12 CEMETERY PURCHASING COOPERATIVE,  
 13 INC., SCI EASTERN MARKET SUPPORT  
 14 CENTER, L.P., SCI WESTERN MARKET  
 15 SUPPORT CENTER, L.P. and SCI HOUSTON  
 16 MARKET SUPPORT CENTER, L.P.

17 UNITED STATES DISTRICT COURT  
 18 NORTHERN DISTRICT OF CALIFORNIA

19 WILLIAM HELM, et al., on behalf of )  
 20 themselves and all other employees and former )  
 21 employees similarly situated, )  
 22 Plaintiffs, )  
 23 vs. )  
 24 ALDERWOODS GROUP, INC. et al. )  
 25 Defendants. )

CASE NO. 3:08-cv-01184 SI  
 [PROPOSED] ORDER STIPULATION OF  
 DISMISSAL

26 Pursuant to the Stipulation of counsel and good cause appearing, the Court orders as follows:

27 1. Pursuant to Fed. R. Civ. P. 41(a), Plaintiffs voluntarily dismiss their claims against  
 28 Service Corporation International, SCI Funeral and Cemetery Purchasing Cooperative, Inc., SCI

1 Eastern Market Support Center, L.P., SCI Western Market Support Center, L.P., SCI Houston  
2 Market Support Center, L.P. and Paul A. Houston (collectively “non-Alderwoods Defendants”)  
3 without prejudice.

4 2. If Alderwoods is found liable for damages in this action and all avenues of appeal  
5 have been exhausted and Alderwoods is required but unable to pay such damages, Plaintiffs may  
6 amend the Complaint in this action, even after jury verdict and appeals therefrom, to allege that  
7 SCI, SCI Funeral and Cemetery Purchasing Cooperative, Inc., SCI Eastern Market Support Center,  
8 L.P., SCI Western Market Support Center, L.P., SCI Houston Market Support Center, L.P. and  
9 Paul A. Houston are successors in interest to Alderwoods and liable to pay the damages, attorney’s  
10 fees, and costs awarded against Alderwoods. The parties would be afforded a reasonable time to  
11 conduct discovery on this issue.

12 3. Defendants do not waive any defenses or arguments that may be available to them,  
13 except that Defendants will not raise any defenses of timeliness or jurisdiction based on time that  
14 passes from entry of this Stipulation through the deadline for amending the Complaint as set forth  
15 below; and Plaintiffs do not waive any arguments that any claims against Defendants relate back to  
16 the initial filing of the Complaint.

17 4. Any amendment to the Complaint under this Stipulation and Order shall be filed  
18 within 30 days after the date that Alderwoods fails to pay any judgment that stands against it after  
19 all avenues of appeal have been exhausted.

20 5. Plaintiffs withdraw their motion to compel pertaining to personal jurisdiction  
21 discovery (Docket No. 128), as the motion is rendered moot by Plaintiffs’ voluntary dismissal of  
22 their claims against the non-Alderwoods Defendants in this action. Plaintiffs’ withdrawal of their  
23 motion to compel in the instant action, however, has no impact upon their motion to compel also  
24 filed in the related action *Bryant, et al. v. SCI, et al.*, Case No. 08-1190-SI (Docket No. 117),  
25 which is unaffected by the instant Stipulation and Order and remains pending before this Court.

**IT IS SO ORDERED:**



\_\_\_\_\_  
The Honorable Susan Illston

**AGREED TO:**

/s/ Annette Gifford  
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Attorneys for Plaintiffs

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