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7
 8 IN THE UNITED STATES DISTRICT COURT
 9 FOR THE
 10 NORTHERN DISTRICT OF CALIFORNIA

11
 12 ROSIE BYERS, ELLA RAIFORD,) Case No. CV 08 1870 SC
 MARTHA VAZQUEZ, MELL GARCIA,)
 13 J. MICHAEL TORRES, STANLEY LYLES,)
 ROBYNE L. HORN and SONIA ASKEW,)
 14) **[PROPOSED] STIPULATION**
 Plaintiffs,) **AND ORDER RE: FILING OF**
 15) **SECOND AMENDED COMPLAINT**
 v.)
 16)
 17 SERVICE EMPLOYEES INTERNATIONAL)
 UNION, ANDREW L. STERN,)
 18 MARY KAY HENRY, THOMAS V.)
 DEBRUIN and ANNA BURGER,)
 19)
 Defendants.)
 20)
 21)

22 The parties in the instant case (hereinafter “Byers”) and in *Torres et al. v. Service*
 23 *Employees International Union et al.*, No. 08-04368 (EDL) (“Torres”), have conferred through
 24 counsel regarding the pending Administrative Motion to Consider Whether Cases Should Be
 25 Related. The parties agree as follows:
 26 1. The combined group of *Byers* and *Torres* plaintiffs will file a Second Amended
 27 Complaint in *Byers*. That complaint will combine the allegations that are now in *Torres* with
 28 those that are in *Byers*. The combined group of defendants in the *Byers* and *Torres* cases will

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1 consent to the filing of such a Second Amended Complaint in *Byers*. That Second Amended
2 Complaint will be filed on or before October 10, 2008.

3 2. Once the Second Amended Complaint is filed in *Byers*, the *Torres* plaintiffs will
4 voluntarily dismiss the *Torres* complaint without prejudice under Rule 41, thereby mooting the
5 “related case” issue raised by Defendants recent administrative motion in *Byers*, as there would
6 then be only one case, *Byers*. On the understanding that these events will occur, the *Byers*
7 Defendants hereby withdraw the Administrative Motion to Consider Whether Cases Should Be
8 Related, without prejudice to refileing such a motion in the event *Torres* is not voluntarily
9 dismissed under the circumstances just described.

10 3. The Defendants in *Byers* hereby take the pending motions to dismiss and to
11 strike in *Byers* off calendar, without prejudice to refileing appropriate motions after being served
12 with the Second Amended Complaint in *Byers*.

13 IT IS SO STIPULATED.

14 Dated: October 3, 2008

SIEGEL & LEWITTER

16 By: /s/ Latika Malkani
17 Latika Malkani

18 Attorneys for All Plaintiffs

19 Dated: October 3, 2008

BREDHOFF & KAISER

21 By: /s/ Leon Dayan
22 Leon Dayan

23 Attorneys for All Defendants

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25 **ORDER**

26 Pursuant to stipulation, it is so ordered.

27 Dated: 10/3 , 2008

28 The Honorable
USDC ND,

