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Case 3:08-cv-04761-MEJ Document 16 Filed 02/03/2009 Page 1 of 2 JOSEPH P. RUSSONIELLO (CSBN 44332) 1 United States Attorney JOANN M. SWANSÓN (CSBN 88143) 2 Chief, Civil Division 3 ELLEN M. FITZGERALD (NY 240885) Assistant United States Attorney 4 450 Golden Gate Avenue, 9th Floor San Francisco, California 94102-3495 (415) 436-7314 5 Telephone: Facsimile: (415) 436-6748 Email: ellen.fitzgerald@usdoj.gov 6 7 Attorneys for Respondent 8 UNITED STATES DISTRICT COURT 9 NORTHERN DISTRICT OF CALIFORNIA 10 SAN FRANCISCO DIVISION ADRIAN MALDONADO, No. C 08-4761 MEJ 11 12 Petitioner, STIPULATION AND 13 -{PROPOSED} ORDER **GRANTING PETITION FOR** CERTIFICATE OF EXEMPTION 14 v. **PURSUANT TO 29 U.S.C. § 504(a)(5)** 15 ORDER DISMISSING CASE, CLOSING ELAINE CHAO, SECRETARY, 16 **FILE** UNITED STATES DEPARTMENT 17 OF LABOR, 18 Respondent. 19 Subject to this Court's approval, petitioner, Adrian Maldonado, and respondent, Elaine 20 21 Chao, Secretary of the United States Department of Labor, by and through their undersigned 22 counsel, hereby stipulate and agree that Mr. Maldonado's petition pursuant to the Labor-Management Reporting and Disclosure Act ("LMRDA"), 29 U.S.C. § 504(a)(5), for an order of 23 24 exemption from the statutory provision prohibiting him from working in a labor organization should be granted. Respondent does not oppose Mr. Maldonado's petition. The parties further 25 26 stipulate and agree that this Court should enter an order, pursuant to 29 U.S.C. § 504(a)(5), by 27 which Mr. Maldonado will be exempt from the LMRDA prohibition against employment in a 28 STIPULATION AND [PROPOSED] ORDER GRANTING PETITION FOR CERTIFICATE OF EXEMPTION PURSUANT TO 29 U.S.C. § 504(a)(5) No. C 08-4761 MEJ

IT IS SO STIPULATED.

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Dated: February 3, 2009

Respectfully submitted,

JOSEPH P. RUSSONIELLO United States Attorney

By: /s/ ELLEN M. FITZGERALD Assistant United States Attorney Attorney for Respondent

THERESA A. GIBBONS, ESQ.

By: /s/
THERESA A. GIBBONS
Attorney for Petitioner

APPROVED AND SO ORDERED.

The Court hereby grants the petition, pursuant to 29 U.S.C. § 504(a)(5), of petitioner,

Adrian A. Maldonado, and certifies that he is exempt from the statutory prohibition on service in
labor unions and may be employed by a labor union or organization in the capacity of an
organizer. As no claims remain pending, this matter is hereby DISMISSED. The Clerk of Court
shall close the file.

DATED: February 4, 2009

HON MAY A LENA JAMES United transmission Magistrate Judge

STIPULATION AND [PROPOSED] ORDER GRANTING PETITION FOR CERTIFICATE OF EXEMPTION PURSUANT TO 29 U.S.C. \S 504(a)(5) No. C 08-4761 MEJ 2