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7 **DIVERSITY LAW GROUP, A Professional Corporation**

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14 **UNITED STATES DISTRICT COURT**

15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

16 ALICIA HARRIS, as an individual and on  
17 behalf of all others similarly situated,

18 Plaintiffs,

19 vs.

20 VECTOR MARKETING CORPORATION, a  
21 Pennsylvania corporation; and DOES 1 through  
22 20, inclusive,

23 Defendants.

Case No.: CV 08 5198 EMC

JOINT STIPULATION RE: TOLLING  
AGREEMENT ; ORDER

24 The parties, by and through their counsel of record, hereby stipulate and agree as follows:

25 WHEREAS, on or about February 9, 2009, Plaintiff ALICIA HARRIS ("Plaintiff") filed  
26 the current operative Second Amended Class Action Complaint ("Complaint") against Defendant  
27 VECTOR MARKETING CORPORATION ("Defendant") (Plaintiff and Defendant shall be  
28 collectively referred to as the "Parties");

WHEREAS, the Complaint alleges various wage and hour violations on behalf of the  
following two classes of individuals: (1) all individuals who worked for DEFENDANTS in the  
State of California as "Sales Representatives" from October 15, 2004 through the present  
classified as independent contractors (the Rule 23 Class) and (2) all individuals who worked for

1 DEFENDANTS in the State of California as “Sales Representatives” from October 15, 2005  
2 through the present classified as independent contractors (the FLSA Class);

3 WHEREAS, Plaintiff desires to timely seek conditional certification under the Federal  
4 Fair Labor Standards Act on behalf of the FLSA Class;

5 WHEREAS, Defendant intends on moving for summary judgment against Plaintiff;

6 WHEREAS, the Parties desire to have Defendant’s summary judgment motion heard  
7 prior to Plaintiff’s motion for conditional class certification;

8 WHEREAS Defendant’s motion for summary judgment is currently scheduled to be  
9 heard on July 8, 2009;

10 WHEREAS, this agreement by the parties does not constitute an admission of liability on  
11 the part of Defendant nor does it constitute any waiver of other defenses that may be available to  
12 Defendant other than, as expressly provided here, the statute of limitations defenses specifically  
13 addressed in this Stipulation.

14 IT IS HEREBY STIPULATED by the parties herein, through their counsel of record, as  
15 follows:

16 1. For purposes of the statute of limitation, to the extent that Plaintiff moves for  
17 conditional class certification under the Federal Fair Labor Standards Act on behalf of the FLSA  
18 Class, any class conditionally certified as a result of said motion shall be certified with a class  
19 period start date of April 15, 2006.

20 SO STIPULATED.

21 Dated: April 6, 2009

DIVERSITY LAW GROUP, P.C.

22 By: /s/  
23 Larry W. Lee, Esq.  
24 Attorneys for Plaintiff

25 Dated: April 6, 2009

REED SMITH, LLP

26 By: /s/  
27 John P. Zaimes, Esq.  
28 Attorneys for Defendant

1  
2 I, Larry W. Lee, attest that I have obtained concurrence from John P. Zaimes in the filing  
3 of this Stipulation. See N.D. Cal. General Order 45 § 10(B).  
4

5 IT IS SO ORDERED:  
6

