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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

17 EARL GODHIGH, an individual, MARIA)
18 BRAGA, an individual, LISA GLASS, an)
19 individual, DANIEL OLIVARES, Sr., an)
20 individual, CYNTHIA OROZCO, an)
21 individual, ALAN BOHN, an individual,)

Plaintiffs,

vs.

23 SEARS HOLDING CORPORATION; a)
24 corporation, SEARS HOME)
25 IMPROVEMENT PRODUCTS, INC.; a)
26 corporation, SEARS ROEBUCK AND CO.,)
27 a corporation,)

Defendants

CASE NO: C 09-00765 SI
STIPULATION TO AMEND COMPLAINT
[PROPOSED] ORDER

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[PROPOSED] ORDER
C 09-00765 SI

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1 Plaintiffs EARL GODHIGH, MARIA BRAGA, LISA GLASS, DANIEL OLIVARES,
2 SR., CYNTHIA OROZCO, ALAN BOHN, (collectively, "Plaintiffs") and Defendant SEARS
3 HOME IMPROVEMENT PRODUCTS, INC. ("SHIP") hereby jointly stipulate to permit
4 Plaintiffs to amend the operative Second Amended Complaint, and file the attached
5 [Proposed] Amended Third Complaint

6 There is good cause for granting an order based on this stipulation, as
7 discovery to date has demonstrated that the primary subclass ("Marketer Subclass")
8 consisted of all current and former Marketers who worked for SHIP during the class period, and
9 who Plaintiffs allege 1) did not timely and fully received expense reimbursement monies, 2)
10 received inaccurate CLPH bonuses, 3) did not receive all of their CLPH monies, and 4) that did
11 not receive \$2.00 per hour bonuses for the first 8 weeks of employment as new hires. The parties
12 estimate this subclass impacted about 2450 people. Discovery has shown however, that claims
13 (2) - (4) must be abandoned, as there was clear evidence that Marketers did receive accurate
14 CLPH bonuses, did receive all of their CLPH monies, and that they receive \$2.00 per hour
15 bonuses for the first 8 weeks of employment as new hires. In the event they did not, this was
16 atypical and the result of human error.

17 The second subclass ("Supervisor Subclass") consists of all current and former
18 Supervisors who worked for SHIP during the class period, and who Plaintiffs allege were
19 supposed to receive bonuses based on CLPH totals for the In Store Marketers who reported to
20 them. Plaintiffs still allege the Supervisor Subclass was improperly misclassified as exempt.
21 Plaintiffs have also alleged additional expense reimbursements. The parties estimate this class
22 consists of about 40 people. In addition, Class Representative Lisa New was neither in the
23 Marketer Subclass or the Supervisor Subclass, as she was an Assistant manager. She has been
24 deleted from the Complaint.

25 DATED: August 10, 2009

HOFFMAN EMPLOYMENT LAWYERS, LLP

/S/

Michael Hoffman

Attorney for Plaintiffs Earl Godhigh et al.

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DATED: August 10, 2009

BRYAN CAVE LLP

/S/

Julie Patterson
Attorney for Defendant SHIP

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EARL GODHIGH, an individual, MARIA BRAGA, an individual, LISA GLASS, an individual, DANIEL OLIVARES, Sr., an individual, CYNTHIA OROZCO, an individual, ALAN BOHN, an individual,
Plaintiffs,
vs.

CASE NO: C 09-00765 SI

[PROPOSED] ORDER GRANTING STIPULATION TO AMEND COMPLAINT

SEARS HOLDING CORPORATION; a corporation, SEARS HOME IMPROVEMENT PRODUCTS, INC.; a corporation, SEARS ROEBUCK AND CO., a corporation,
Defendants

Based upon the Stipulation of the parties, the attached Plaintiffs' Third Amended Complaint may be filed



Judge Susan Illston
UNITED STATES DISTRICT COURT JUDGE

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