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9 TRINITY TECHNOLOGY GROUP, INC. and
10 TRINITY TECHNOLOGY GROUP, LLC,

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FEB - 5 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

11 UNITED STATES DISTRICT COURT
12 NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

13 PHILIP HERNANDEZ, an individual,
14 Plaintiff,

15 v.

16 TRINITY TECHNOLOGY GROUP, INC., A
17 VIRGINIA CORPORATION; TRINITY
18 TECHNOLOGY GROUP, LLC, A VIRGINIA
19 LIMITED LIABILITY COMPANY; and DOES
20 1 through 10, inclusive,
21 Defendants.

Case No. C 09-02412 TEH

**STIPULATED REQUEST FOR
APPROVAL OF SETTLEMENT AND
DISMISSAL WITH PREJUDICE;
[PROPOSED] ORDER**

[F.R.C.P. 41(a)(1)(ii)]

Date: Submitted for Immediate
Determination
Dept.: Courtroom 12, 19th Floor
Judge: Honorable Thelton E. Henderson

22 The Parties hereto, by their undersigned counsel, seek approval of the settlement and
23 dismissal of the above-captioned action, as follows:

24 WHEREAS, on April 14, 2009, Plaintiff Philip Hernandez ("Plaintiff") filed his
25 complaint in the Superior Court of the State of California, County of Sonoma, ("Complaint")
26 against Defendant Trinity Technology Group, Inc. ("Defendant")(erroneously sued both as
27 Trinity Technology Group, Inc. and Trinity Technology Group, LLC). On May, 29, 2009,
28 Defendant filed an answer in state court. On June 1, 2009, Defendant removed the action to this
Court.

1 WHEREAS, Plaintiff's Complaint alleges: (1) failure to pay overtime in violation of
2 California Labor Code and Industrial Wage Commission 4-2001 (Cal. Code Regs. Title 8
3 § 11404; (2) failure to itemize wage statements in violation of California Labor Code section 226;
4 (3) overtime and liquidated damages under the Fair Labor Standards Act (28 U.S.C. §§ 207 and
5 216; and (4) violation of California Business and Professions Code section 17200 *et seq.*
6

7 WHEREAS, following the filing of Plaintiff's Complaint, the parties engaged in
8 settlement discussions related to Plaintiff's claims. Based on those discussions, the Parties
9 reached a mutually satisfactory settlement agreement based on an estimate of the wages Plaintiff
10 claims were due and owing, any statutory penalties, liquidated damages and attorneys' fees.
11 These terms were later finalized and memorialized in a Confidential Settlement Agreement,
12 which the parties agree to execute upon final approval by this Court. The Confidential Settlement
13 Agreement is attached and filed under seal pursuant this Court's Order dated February 5, 2009.
14

15 WHEREAS, both parties represent to this Court that the agreement embodied in the
16 Confidential Settlement Agreement was reached through good-faith, arms-length negotiations.
17 Both parties further represent that the agreement constitutes a fair and equitable compromise of
18 Plaintiff's claims in this matter.
19

20 WHEREAS, a settlement reached in cases involving claims under the Fair Labor
21 Standards Act must be approved either by the United States Department of Labor or the
22 appropriate United States District Court.

23 WHEREAS, the Parties respectfully request that this Court approve the settlement of this
24 matter.

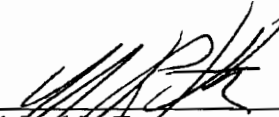
25 WHEREAS, once the Court approves the settlement, the Parties hereby stipulate pursuant
26 to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure that this matter shall be and hereby is
27 dismissed with prejudice. Each party to bear its own attorneys' fees and costs.
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IT IS SO STIPULATED.


Dated: February 5, 2009

LAW OFFICES OF MICHAEL L. TRACY

By: 
Michael L. Tracy
Megan Ross Hutchins
Attorneys for Plaintiff
PHILIP HERNANDEZ

Dated: February 5, 2009


JACKSON LEWIS LLP

By: 
JoAnna L. Brooks
Attorneys for Defendants
TRINITY TECHNOLOGY GROUP and
TRINITY TECHNOLOGY GROUP, LLC

GOOD CAUSE APPEARING, IT IS HEREBY ORDERED:

- 1. The Confidential Settlement Agreement is approved; and
- 2. The action is dismissed with prejudice. Each party to bear its own attorneys' fees and costs.

Dated: 2/9/10


HONORABLE THELTON E. HENDERSON
JUDGE OF THE UNITED STATES
DISTRICT COURT