

1 MORGAN, LEWIS & BOCKIUS LLP
 2 JOHN S. BATTENFELD (SBN 119513)
 3 300 South Grand Avenue, 22nd Fl.
 4 Los Angeles, CA 90071-3132
 5 Tel: 213.612.1018
 6 Fax: 213.612.2501
 7 email: jbattenfeld@morganlewis.com

8 MICHAEL J. PUMA (Admitted *pro hac vice*)
 9 JUSTIN S. BROOKS (Admitted *pro hac vice*)
 10 1701 Market Street
 11 Philadelphia, PA 19103
 12 Tel: 215-963-5000
 13 Fax: 215-963-5001
 14 E-mail: mpuma@morganlewis.com
 15 E-mail: justin.brooks@morganlewis.com

16 Attorneys for Defendants Sara Lee Corporation,
 17 Sara Lee Bakery Group and Earthgrains
 18 Baking Companies, Inc.

19 SPIRO MOORE LLP
 20 IRA SPIRO (SBN 67641)
 21 JENNIFER CONNOR (SBN 241480)
 22 11377 W. Olympic Boulevard, Fifth Fl.
 23 Los Angeles, CA 90064
 24 Tel: 310.235.2468
 25 Fax: 310.235.2456
 26 E-mail: ira@spiro Moore.com
 27 E-mail: jennifer@spiro Moore.com

28 Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO-OAKLAND DIVISION**

20 DAVID M. CATHCART, JAMES H.
 21 WHITEHEAD, ROBERT W. DECKER,
 22 DALE BALDISSERI, individually, and
 23 on behalf of all others similarly situated,

Plaintiffs,

v.

24 SARA LEE CORPORATION, SARA
 25 LEE BAKERY GROUP,
 26 EARTHGRAINS BAKING
 27 COMPANIES, INC. (formerly sued as
 28 DOE 1) and DOES 2 through 20

Defendants.

Case No. C 09-5748 MMC

**JOINT STIPULATION RE
 NOTICE OF SETTLEMENT AND
 REQUEST FOR COURT TO SET
 DATE FOR PLAINTIFFS TO FILE
 MOTION FOR PRELIMINARY
 APPROVAL OF CLASS ACTION
 SETTLEMENT**

**ORDER GRANTING JOINT REQUEST;
 DEEMING PENDING MOTIONS
 WITHDRAWN WITHOUT PREJUDICE**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

NOTICE OF SETTLEMENT

Plaintiffs David M. Cathcart, James H. Whitehead, Robert W. Decker, and Dale Baldissseri (“Plaintiffs”), and Defendants Sara Lee Corporation, Sara Lee Bakery Group, and Earthgrains Baking Companies, Inc. (“Defendants”) (collectively, the “Parties”), by and through their respective counsel, respectfully submit this Notice of Settlement.

In March of 2012, the Parties participated in mediation before mediator Jeffrey Krivis, Esq. Following the mediation, the parties continued to negotiate, and on May 31, 2012, they reached a settlement of all class claims asserted by Plaintiffs in this action and executed a Memorandum of Understanding memorializing the settlement. The Parties are preparing a formal stipulation of settlement and notice of settlement to be distributed to putative class members and plan for Plaintiffs to submit a motion for preliminary approval of the class action settlement on or before June 22, 2012, with a hearing on the motion for preliminary approval on or before July 27, 2012, subject to the Court’s availability.

Based upon the foregoing, the Parties respectfully request that the Court vacate all pending deadlines and set a date for Plaintiffs to file their motion for preliminary approval of the class action settlement and for a hearing on such motion.

In compliance with General Order No. 45 (X), as filing party, Defendants attest that all signatories below concur in the filing of this document.

DATED: May 31, 2012

MORGAN, LEWIS & BOCKIUS LLP

BY: /s/ Justin S. Brooks _____
Justin S. Brooks

Attorneys for Defendants

1 DATED: May 31, 2012

SPIRO MOORE LLP

2 BY: /s/ Jennifer L. Connor

3 Jennifer L. Connor

4 Attorneys for Plaintiffs


5 ~~PROPOSED~~ ORDER

6 All pending deadlines are hereby vacated. Plaintiffs shall file a motion for preliminary
7 approval of the class action settlement by June 22, 2012. The court shall hold a hearing on the
8 motion for preliminary approval on July 27, 2012.

9 Defendants' Motion for Leave to Amend Their Answer and plaintiffs' Motion for
10 Conditional Collective Certification are deemed WITHDRAWN, without prejudice to refile in
11 the event the Court does not grant final approval of the settlement.

12 SO ORDERED.

13 Dated: June 4, 2012

14
15 
16 MAXINE M. CHESNEY
17 United States District Judge