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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

21 RICK DELAGARZA, individually, PAUL
 22 GUTIERREZ, SAL LUCIDO, APRIL MOORE,
 23 CHARLES GRIMMETT, ANTONIO GARCIA,
 and BRIAN CASHWELL, individually and on
 24 behalf of all similarly situated current and former
 employees,

Plaintiffs,

v.

26 TESORO REFINING AND MARKETING
 27 COMPANY and DOES 1 through 20, inclusive,

Defendants.

Case No. C 09-05803 EMC

Assigned to the Hon. Edward M. Chen

**NOTICE OF SETTLEMENT;
 STIPULATION AND [PROPOSED] ORDER
 TO CONTINUE CASE MANAGEMENT
 CONFERENCE**

1 Pursuant to Civil L.R. 7-12, Plaintiffs Rick Delagarza, Paul Gutierrez, Sal Lucido, April Moore,
2 Charles Grimmett, Antonio Garcia, and Brian Cashwell (öPlaintiffsö) and Defendant Tesoro Refining and
3 Marketing Company (öTesoroö) (collectively, the öPartiesö), by and through their undersigned counsel,
4 hereby stipulate and agree as follows:

5 WHEREAS, the Parties have reached a global settlement in principle of this action and two other
6 civil actions entitled *Burgess v. Tesoro Refining and Marketing Co.*, USDC Case No. 10-cv-05870 DMG
7 (C.D. Cal.) (öBurgessö) and *United Steel, Paper & Forestry, Rubber, Manufacturing, Energy, Allied*
8 *Industrial & Service Workers International Union, AFL-CIO, CLC v. Shell Oil Company, Equilon*
9 *Enterprises LLC dba Shell Oil Products US, and Tesoro Refining and Marketing Co.*, USDC Case No.
10 08-3693 RGK (Ex) (C.D. Cal.) (öUSWö);

11 WHEREAS, the Parties desire that this action, *Burgess*, and *USW* be consolidated before the
12 Honorable Dolly M. Gee of the United States District Court for the Central District of California
13 (presiding judge in *Burgess*) for approval of the proposed global settlement;

14 WHEREAS, the plaintiffs in *Burgess* have filed an amended complaint consolidating the parties
15 and claims in this action and *Burgess*;

16 WHEREAS, the Parties are close to finalizing a memorandum of understanding of the global
17 settlement and they anticipate that they will be finalizing the settlement agreements and meal period
18 agreements and filing a motion for final approval of the global settlement before Judge Gee within the
19 next 45 days; and

20 WHEREAS, the Parties anticipate that, if the proposed global settlement is approved by Judge
21 Gee within the next 120 days, Plaintiffs will be able to file a notice of dismissal of this action by the end
22 of January 2013.

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1 **CONSENT TO ELECTRONIC FILING**

2 Pursuant to General Order 45, paragraph X.B, I hereby attest that Timothy M. Rusche, a
3 registered ECF user whose user ID and password will not be utilized in the filing of the foregoing
4 document, concurred in the filing.

5
6 DATED: August 14, 2012

GILBERT & SACKMAN
A Law Corporation

7
8 By /s/ Linda Fang
9 Jay Smith
Linda S. Fang
10 Attorneys for Plaintiffs Rick Delagarza, Paul
Gutierrez, Sal Lucido, April Moore, Charles
11 Grimmett, Antonio Garcia, and Brian Cashwell
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1 **CERTIFICATE OF SERVICE**

2 I, Linda S. Fang, certify that on August 14, 2012, the foregoing document entitled:

3 **NOTICE OF SETTLEMENT; STIPULATION AND [PROPOSED] ORDER**
4 **TO CONTINUE CASE MANAGEMENT CONFERENCE**

5 was filed electronically in the Court's ECF; thereby upon completion the ECF system automatically
6 generated a "Notice of Electronic Filing" (NEF) as service through CM/ECF to registered e-mail
7 addresses of parties of record in the case, in particular on the following:

8 Timothy M. Rusche
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12 Sara Poggi
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14 Kristen Agnew
15 kagnew@seyfarth.com

16 I declare under penalty of perjury under the laws of the State of California that the foregoing is
17 true and correct. Executed on August 14, 2012, at Los Angeles, California.

18 _____
19 /s/ Linda S. Fang
20 Linda S. Fang