

1 KUMIN SOMMERS LLP
Stephen A. Sommers, CSB 225742
2 Rory Quintana, CSB 258747
870 Market Street, Ste. 428
3 San Francisco, CA 94102
(415) 434-4500 (Tel.)
4 (415) 434-8453 (Fax)
info@kuminsommers.com

5 Attorneys for WILLIE J. ADAMS

6
7 OGLETREE, DEAKINS, NASH, SMOAK, & STEWART, P.C.
Thomas M. McInerney, SBN 162055
8 Erica K. Rocush, SBN 262354
Steuart Tower, Suite 1300
9 One Market Plaza
San Francisco, CA 94105
10 (415) 442-4810 (Tel.)
(415) 442-4870 (Fax)

11 Attorneys for K&G MEN'S COMPANY, INC.

12
13
14 IN THE UNITED STATES DISTRICT COURT
15 FOR THE NORTHERN DISTRICT OF CALIFORNIA

16 WILLIE J. ADAMS, individual,

17 Plaintiffs,

18 vs.

19
20 MEN'S WEARHOUSE, INC., d.b.a. K & G
21 FASHION SUPERSTORE, a Texas
22 Corporation, and DOES 1 through 20,

23 Defendants.

CASE NO.: CV-10-00026-CRB

STIPULATION AND ~~PROPOSED~~
ORDER FOR DISMISSAL OF
COMPLAINT WITH PREJUDICE
PURSUANT TO FRCP 41

Date Filed: December 9, 2009
Trial Date: Not Set

24
25 WHEREAS, Plaintiff Willie J. Adams ("Plaintiff" or "Adams") and Defendant K&G
26 Men's Company, Inc. (erroneously named in the Complaint as Men's Wearhouse, Inc.)
27 ("Defendant") (collectively, "the Parties") have agreed to fully settle the instant action;
28

Kumin Sommers, LLP

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

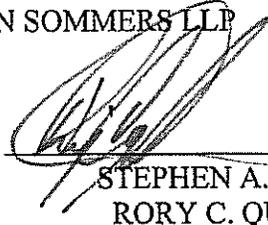
WHEREAS, the Parties have entered into a settlement and executed a Settlement Agreement and Release of All Claims resolving all of Plaintiff's claims against Defendant, including all claims arising under the Federal Age Discrimination in Employment Act ("ADEA," 29 U.S.C. § 621, *et. seq.*) in exchange for valuable consideration;

NOW THEREFORE, the Parties hereby jointly and respectfully request that the Court, pursuant to Federal Rule of Civil Procedure 41(a)(1), discontinue and dismiss with prejudice the above-titled action as to all parties, with each party bearing his or its own fees and costs, except as provided for in the Settlement Agreement and Release of All Claims entered into between the Parties.

Dated: September 1

KUMIN SOMMERS LLP

By



STEPHEN A. SOMMERS
RORY C. QUINTANA

Attorneys for WILLIE J. ADAMS

Dated: September 1, 2010

OGLETREE, DEAKINS, NASH, SMOAK, & STEWART,
P.C.

By



THOMAS M. MCINERNEY
ERICA K. ROCUSH

Attorneys for K&G MEN'S COMPANY, INC.

~~PROPOSED~~ ORDER

Having been advised by the Parties that a Settlement Agreement and Release of All Claims was entered into, pursuant to which Mr. Adams has agreed to release all claims, including all claims arising under the Fair Labor Standards Act of 1938 ("FLSA"), as amended 29 U.S.C. §201, *et seq.*, against K&G Men's Company, Inc. in exchange for valuable consideration, the matter of *Adams v. K&G Men's Company, Inc.*, United States District Court, Northern District of California, Case No. CV-10-00026-CRB, is, by reason of the settlement, hereby dismissed with prejudice in its entirety as to all parties.

IT IS SO ORDERED.

Dated: September 2, 2010

