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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL LIPPOLD individually and on behalf of members of the general public similarly situated, and as aggrieved employees pursuant to the Private Attorneys General Act ("PAGA"),

Plaintiff,

vs.

GODIVA CHOCOLATIER, INC. a New Jersey corporation; and DOES 1 through 50, inclusive,

Defendants.

) Case No.: CV 10-00421 SI
) **CLASS ACTION**
) **[PROPOSED] ORDER**
)
) [Honorable Susan Illston,
) Courtroom 10]

The Court grants Plaintiff leave to file a First Amended Complaint. Defendant's Answer to the original complaint filed in San Francisco Superior Court on January 27, 2010 shall serve as Defendant's Answer to the First Amended Complaint.

IT IS SO ORDERED.

Dated:



Honorable Susan Illston
Judge, United States District Court

1 **PROOF OF SERVICE**

2 I am employed in the County of Los Angeles, State of California. I am over the age of 18
3 and not a party to the within action. My business address is 42220 10th Street West, Suite 109,
4 Lancaster, California 93534. On May 19, 2010, I served the within document(s) described as:

5 **[PROPOSED] ORDER**

6 on the interested parties in this action as stated below:

7 ***** Please See Attached List *****

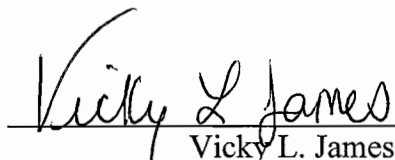
8
9 X (BY MAIL) By placing a true copy of the foregoing document(s) in a sealed envelope
10 addressed as set forth above. I am "readily familiar" with the firm's practice of collection and
11 processing correspondence for mailing. Under that practice it would be deposited with U. S.
12 postal service on that same day with postage thereon fully prepaid at Lancaster, California in the
13 ordinary course of business. I am aware that on motion of the party served, service is presumed
14 invalid if postal cancellation date or postage meter date is more than one day after date of
15 deposit for mailing in affidavit.

16 (BY FAX) By transmitting a true copy of the foregoing document(s) via facsimile
17 transmission from this firm's facsimile machine, to each interested party at the facsimile
18 machine number(s) set forth above. Said transmission(s) were completed on the aforesaid date
19 at the time stated on the transmission record issued by this firm's sending facsimile machine.
20 Each such transmission was reported as complete and without error and a transmission report
21 was properly issued by this firm's sending facsimile machine for each interested party served. A
22 true copy of each transmission report is attached to the office copy of this proof of service and
23 will be proved upon request.

24 (BY PERSONAL SERVICE) By personally delivering the document(s) listed above to
25 the person(s) at the address(es) set forth above.

26 I declare that I am employed in the offices of a member of the State Bar of this Court at
27 whose direction the service was made. I declare under penalty of perjury under the laws of the
28 United States of America that the foregoing is true and correct.

Executed on May 19, 2010, at Lancaster, California.


Vicky L. James

ATTACHMENT TO PROOF OF SERVICE

LIPPOLD, DANIEL, et al v. GODIVA CHOCOLATIER, INC. et al.
USDC, NORTHERN DISTRICT, CASE NO. C10-00421 EMC

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