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16 Attorneys for Defendant
OFFICE DEPOT, INC.

18 UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

19 CHARLES COLEMAN, KEITH CRAFT,
20 JORGE "GEORGE" ROMERO, GARY
21 TSANG, ADRIAN VILCHEZ and MARKISS
YBARRA,

22 Plaintiff,

23 vs.

24 OFFICE DEPOT, INC., and DOES 1
THROUGH 20, inclusive,

25 Defendants.

Case No. 12 CV 427 CRB

**JOINT STIPULATION AND ORDER
REGARDING DEFENDANT'S
MOTION FOR JUDGMENT ON THE
PLEADINGS**

28 JOINT STIPULATION AND [PROPOSED] ORDER
REGARDING DEFENDANT'S MOTION FOR JUDGMENT ON THE PLEADINGS
12-CV-427 CRB

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STIPULATION

Plaintiff CHARLES COLEMAN and Defendant OFFICE DEPOT, INC., by and through their counsel of record, hereby stipulate as follows:

WHEREAS, Defendant OFFICE DEPOT, INC. filed a Motion for Judgment on the Pleadings on December 5, 2014;

WHEREAS, this case is set for trial on January 20, 2015;

WHEREAS the parties have agreed that CHARLES COLEMAN will dismiss Cause of Action 4 (CA Labor Code sections 204 and 210), Cause of Action 6 (CA Labor Code section 558), Cause of Action 8 (Breach of Contract), and Cause of Action 13 (Breach of the Covenant of Good Faith) but not Cause of Action 14 (Liquidated Damages);

WHEREAS each party shall bear its own attorneys' fees and costs regarding the causes of action which are hereby dismissed;

WHEREAS Defendant OFFICE DEPOT, INC. has agreed to withdraw its pending Motion for Judgment on the Pleadings; and

WHEREAS no other causes of action in this action are affected by this stipulation.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED that CHARLES COLEMAN's Cause of Action 4 (CA Labor Code sections 204 and 210), Cause of Action 6 (CA Labor Code section 558), Cause of Action 8 (Breach of Contract), and Cause of Action 13 (Breach of the Covenant of Good Faith) but not Cause of Action 14 (Liquidated Damages) are dismissed and Defendant OFFICE DEPOT, INC.'s Motion for Judgment on the Pleadings is hereby taken off calendar.

1 Dated: December 17, 2014

KLETTER LAW FIRM LLP
CARY KLETTER
SALLY TRUNG NGUYEN

4 By: /s/ Cary Kletter
Cary Kletter

5 Attorneys for Plaintiff
6 CHARLES COLEMAN

7 Dated: December 17, 2014

MORGAN, LEWIS & BOCKIUS LLP
BARBARA J. MILLER
JENNIFER L. BRADFORD

9 By: /s/ Jennifer L. Bradford
Jennifer L. Bradford

10 Attorneys for Defendant
11 OFFICE DEPOT, INC.

12
13 **ORDER**

14 Pursuant to the stipulation of the parties, and for good cause shown, IT IS HEREBY
15 ORDERED that CHARLES COLEMAN's Cause of Action 4 (CA Labor Code sections 204 and
16 210), Cause of Action 6 (CA Labor Code section 558), Cause of Action 8 (Breach of Contract),
17 and Cause of Action 13 (Breach of the Covenant of Good Faith) but not Cause of Action 14
18 (Liquidated Damages) are dismissed, Defendant OFFICE DEPOT, INC.'s Motion for Judgment
19 on the Pleadings is hereby taken off calendar, no other causes of action pending in this action are
20 affected by this order and each side shall bear its own fees and costs with regard to the dismissed
21 claims.

22 IT IS SO ORDERED.

23 Date: December 18, 2014

