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14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT  
 16 NORTHERN DISTRICT OF CALIFORNIA

17 CARL CORDY, on his own behalf individually ) and on behalf of others similarly situated, ) 18 ) Plaintiff, ) 19 ) v. ) 20 ) USS-POSCO INDUSTRIES, UNITED ) 21 STATES STEEL CORPORATION, POSCO- ) CALIFORNIA CORPORATION, PITCAL, ) 22 INC. and DOES 1-50, ) ) 23 Defendants. ) ) 24 ) _____ )	Case No. CV 12 00553 JST  <b>STIPULATION TO AMEND ORDER          APPROVING CLASS SETTLEMENT          DUE TO CLERICAL ERROR;  <del>PROPOSED</del> ORDER THEREON</b>
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1 Plaintiff Carl Cordy, Settlement Subclass Representative Donald Jones, and the  
2 Settlement Subclasses (“Plaintiffs”) and Defendant USS-POSCO Industries (“Defendant”), by  
3 and through their attorneys, hereby stipulate pursuant to Local Rule 7-12 as follows:

4 WHEREAS on January 8, 2014, the Honorable Jon S. Tigar entered an Order Granting  
5 Motion for Preliminary Approval of Class Action Settlement, Conditional Certification of  
6 Settlement Subclasses, Approval of Notice of Settlement, and Seeking Hearing for Final  
7 Approval; Granting Stipulation Regarding Appointment of Class Representative for Itemized  
8 Wage Statement Penalty Subclass (“Order”) (ECF No. 71), which provided, among other things,  
9 that: (1) a class for this matter would be divided into four (4) subclasses, including an Itemized  
10 Wage Subclass, a Waiting Time Penalty Subclass, a Continual Presence Subclass, and an Unpaid  
11 Time Worked Subclass with recovery tailored to provide relief to class members based on  
12 individual class members’ circumstances, (2) that settlement award checks that remain un-cashed  
13 after 180 days will be distributed to a cy pres recipient, the Legal Aid Society-Employment Law  
14 Center; and (3) the parties could designate a \$125,000 Hold-Back Fund to settle Class Members’  
15 disputed and/or late claims, if any, with any remaining portion of that Hold-Back fund not  
16 distributed within 120 days to be used by Defendant to pay a portion of its payroll taxes on the  
17 Settlement Awards.

18 WHEREAS on April 28, 2014, Judge Tigar entered an Order Approving Class Settlement  
19 whereby he finally approved the settlement, including the aforementioned provisions.

20 WHEREAS on May 21, 2014, the class settlement award checks based were mailed in  
21 accordance with the approved allocation of the net settlement amount, as follows: Unpaid Time  
22 Subclass: \$699,416.50; Continual Presence Subclass: \$197,624.50; Waiting Time Penalty  
23 Subclass: \$186,691.50; and the Itemized Wage Statement Subclass: \$1,133,691.50.

24 WHEREAS, after the settlement award checks were distributed, the parties learned that  
25 certain class members that worked under Job Code 6066-03 – CSA Lead Operator disputed their  
26 awards, claiming they were eligible for additional settlement funds due to their participation in  
27 the Continual Presence Subclass.

1 WHEREAS, Defendant's counsel investigated the disputes of these class members, and  
2 subsequently discovered that ten (10) class members who had worked under Job Code 6066-03 –  
3 CSA Lead Operator had been inadvertently omitted from the Continual Presence Subclass list,  
4 and therefore did not receive their full settlement award.

5 WHEREAS, the Claims Administrator calculated that the ten (10) CSA Lead Operators  
6 are due a collective amount of \$18,483.02, including payroll taxes, representing the settlement  
7 funds owed for their participation in the Continual Presence Subclass.

8 WHEREAS, the parties met and conferred extensively regarding the most efficient and  
9 fair means to address the clerical error in order to ensure that the ten (10) CSA Lead Operators  
10 class members promptly receive their full settlement award, and agreed to the following:

11 1. The Hold-Back fund shall be accessed now to withdraw the \$18,483.02 necessary  
12 to fund additional settlement award checks due to the ten (10) CSA Lead Operators.

13 2. In the event that any settlement award checks remain un-cashed after 180 days, it  
14 shall be distributed as follows: (a) any amount up to \$18,483.02 shall be used to replenish the  
15 monies removed from the Hold-Back fund to cover the CSA Lead Operator Continual Presence  
16 Subclass distribution; and (b) any additional amount over \$18,483.02 will be distributed to cy  
17 pres recipient, the Legal Aid Society-Employment Law Center.

18 NOW, THEREFORE, Plaintiffs and Defendant hereby stipulate and jointly request that  
19 the Court amend its Order due to this clerical error.

20 **IT IS SO STIPULATED.**

21  
22 DATED: July 1, 2014

SEYFARTH SHAW LLP

23  
24 By           /s/ Cassandra H. Carroll            
25 Francis J. Ortman III  
26 Cassandra H. Carroll  
27 Emily E. Barker  
Attorneys for Defendant  
USS-POSCO INDUSTRIES

1 DATED: July 1, 2014

SCHNEIDER WALLACE COTTRELL  
KONECKY LLP

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3

By /s/ Carolyn H. Cottrell  
Carolyn H. Cottrell  
Attorneys for Plaintiff  
CARL CORDY

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6 DATED: July 1, 2014

BROWN | POORE LLP

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By /s/ Scott A. Brown  
Scott A. Brown  
Attorneys for Plaintiff  
CARL CORDY

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**ORDER**

12 **PURSUANT TO STIPULATION, IT IS SO ORDERED:**

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15 Date: July 2, 2014



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**CONSENT TO ELECTRONIC FILING**

Pursuant to General Order 45, paragraph X.B., I hereby attest that Carolyn H. Cottrell and Scott A. Brown, registered ECF users whose user IDs and passwords will not be utilized in the filing of the Stipulation to Amend Order Approving Class Settlement Due to Clerical Error; [Proposed] Order Thereon, concurred in the filing.

DATED: July 1, 2014

SEYFARTH SHAW LLP

By           /s/ Cassandra H. Carroll            
Francis J. Ortman III  
Cassandra H. Carroll  
Emily E. Barker  
Attorneys for Defendant  
USS-POSCO INDUSTRIES