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11 Attorneys for Plaintiffs

12 **UNITED STATES DISTRICT COURT**
13 **NORTHERN DISTRICT OF CALIFORNIA**
14 **SAN FRANCISCO DIVISION**

15 JASON TRABAKOOLAS, SHEILA
16 STETSON, JACK WHEELER, CHRISTIE
17 MOONEY AND KEVEN TURNER
18 individually and on behalf of all others similarly
19 situated,
20 Plaintiffs,
21 v.
22 WATTS WATER TECHNOLOGIES, INC.,
23 WATTS REGULATOR CO., AND
24 WOLVERINE BRASS, INC.,
25 Defendants.

Case No. 3:12-cv-01172-WHO (EDL)

CLASS ACTION

**JOINT REPORT ON STATUS OF
SETTLEMENT NEGOTIATIONS AND
STIPULATION AND ORDER STAYING
LITIGATION AND PENDING
DEADLINES UNTIL DECEMBER 10,
2013**

Honorable William H. Orrick III

26 Pursuant to Civil Local Rule 6-2, Plaintiffs Jason Trabakoolas, Sheila Stetson,
27 Jack Wheeler, Christie Mooney, and Keven Turner and Defendants Watts Water
28 Technologies, Inc., Watts Regulator Co., and Wolverine Brass, Inc., hereby submit
this Joint Report on Status of Settlement Negotiations and Stipulated Request for
Order Staying the Litigation and Pending Deadlines until December 10, 2013 in order
to focus on settlement discussions and to allow for a further mediation.

1 **WHEREAS**, the parties engaged in two full day private mediation sessions before
2 former United States District Judge, Hon. Layn Phillips (Ret.) on February 20, 2013 and
3 August 20, 2013, in an effort to resolve this case.

4 **WHEREAS**, at the August 20, 2013, mediation session, the parties made significant
5 progress toward settlement. Judge Phillips directed the parties to complete a Term Sheet on
6 non-monetary terms and to respond to a mediator's proposal that established a dollar range
7 within which he proposed that the case should be settled.

8 **WHEREAS**, on August 22, 2013, the Court stayed this action for 45 days, or until
9 October 7, 2013, based on the parties' stipulated request that they be permitted to focus on
10 settling rather than litigating this case. (ECF No. 258.) On October 8, 2013, the Court
11 extended the stay at the parties' request for November 7, 2013 in order to allow the parties to
12 further explore settlement. (ECF No. 261.) The parties appreciate the Court's orders and
13 have been able to make progress towards settlement during the stay.

14 **WHEREAS**, the parties reached agreement on a Settlement Term Sheet that outlines
15 the framework for resolution of this purported class action.

16 **WHEREAS**, the parties have also worked on other issues necessary to allow them to
17 respond to Judge Phillips' bracketed settlement range. Progress has been made. The parties
18 intend to continue these discussions and have scheduled a further mediation session with
19 Judge Phillips for December 6, 2013. This is the first date that Judge Phillips had available.

20 **WHEREAS**, the parties intend to continue their settlement discussions before the
21 scheduled mediation but wish to continue the stay past the December 6, 2013 mediation in
22 the event that their private discussions do not result in an agreement. The parties expect to
23 know whether they will reach a settlement by then.

24 **WHEREAS**, the Court is invited to contact Judge Phillips should it have any
25 questions about the settlement mediation process that he is supervising.
26 (lphillips@irell.com; (949) 760-5288).

1 **WHEREAS**, the parties request the Court schedule a status conference after
2 December 10, 2013. In the event the final terms of a settlement are agreed upon, the parties
3 shall notify the Court prior to this status conference.

4
5 IT IS SO STIPULATED.

6
7 Dated: November 6, 2013

DANIEL E. GUSTAFSON
GUSTAFSON GLUEK PLLC.

8
9 /s/ Daniel E. Gustafson

10 DANIEL E. GUSTAFSON
Attorneys for Plaintiffs

11
12 Dated: November 6, 2013

DAVID S. MacCUIISH
TODD BENOFF
LINDSAY G. CARLSON
ALSTON & BIRD LLP

13
14
15 /s/ David S. MacCuish

16 David S. MacCuish
Attorneys for Defendants WATTS REGULATOR
17 CO., WATTS WATER TECHNOLOGIES, INC. and
WOLVERINE BRASS, INC.

18
19 Signature Attestation

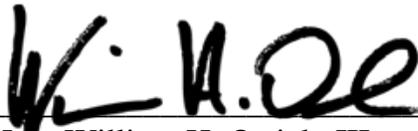
20 I, David S. MacCuish, am the ECF User whose ID and password are being used
21 to file this Joint Report on Status of Settlement Negotiations and Stipulation and
22 [Proposed] Order Staying Litigation and Pending Deadlines Until December 10, 2013.
23 In compliance with Civil L.R. 5-1(i)(3), I hereby attest that Daniel E. Gustafson of
24 Gustafson Gluek PLLC has concurred in this filing.

25
26 Dated: November 6, 2013

27 /s/ David S. MacCuish

1 PURSUANT TO STIPULATION, IT IS SO ORDERED. A Case Management
2 Conference will be held on December 17, 2013 at 2 p.m. in Courtroom 2. The parties shall
3 file a Joint Status Report no later than December 12, 2013, describing the status of the
4 settlement negotiations and, if the case has not settled, suggesting new dates for the class
5 certification hearing and associated events.

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7 Date: November 6, 2013

8 
9 Hon. William H. Orrick III
United States District Judge

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