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 8 GREG JEWELL, DAVID BEAUSOLEIL,  
 9 PATRICK SWEENEY, LUCIO FLORES,  
 10 THOMAS JENNISON, MICHAEL  
 11 EMANUEL, ROBERT BIRCH, KENNETH  
 12 FORBES, BRIAN O'NEIL, and  
 13 FREDERICK SIMON,  
 14 and all others similarly situated

Attorneys for Defendant Ecolab Inc.  
 [additional counsel for Defendant Ecolab Inc.  
 listed on signature page]

[additional counsel for Plaintiffs' and those  
 similarly situated listed on signature page]

UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

15 NICK CANCELLA, GREG JEWELL, DAVID )  
 16 BEAUSOLEIL, PATRICK SWEENEY, )  
 17 LUCIO FLORES, THOMAS JENNISON, )  
 18 MICHAEL EMANUEL, ROBERT BIRCH, )  
 19 KENNETH FORBES, BRIAN O'NEIL, and )  
 20 FREDERICK SIMON, on behalf of )  
 themselves and all others similarly situated, )

Case No. CV 12-03001 CRB  
**STIPULATION AND ORDER  
 REGARDING BRIEFING AND  
 HEARING SCHEDULE FOR  
 DEFENDANT ECOLAB'S MOTION  
 FOR DECERTIFICATION OF THE  
 FLSA COLLECTIVE ACTION**

Plaintiffs,

Date: n/a  
 Time: n/a  
 Ctrm.: 6

v.

22 ECOLAB INC., a corporation,

Judge: Hon. Charles R. Breyer

23 Defendant.

**Complaint Filed: June 11, 2012  
 Trial Date: August 19, 2015**

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1 Plaintiffs Dave Beausoleil; Patrick Sweeney; Lucio Flores; Thomas Jennison; Michael  
2 Emanuel, Robert Birch; Kenneth Forbes; Brian O’Neil, and Frederick Simon (“Plaintiffs”)  
3 on behalf of themselves and all others similarly situated, and Defendant Ecolab Inc., (“Ecolab”)  
4 (collectively “the Parties”) by and through their respective attorneys of record, hereby stipulate  
5 and agree as follows:

6 WHEREAS, on Thursday, December 18<sup>th</sup>, 2014, Ecolab filed a Motion for  
7 Decertification of Conditionally Certified Collective Action, and noticed that motion to be heard  
8 on February 13, 2015, the same date on which Plaintiffs’ Motion for certification of Rule 23 state  
9 classes is scheduled to be heard;

10 WHEREAS, under the Local Rules, Plaintiffs’ opposition to Ecolab’s Motion to  
11 Decertify would be due on Friday, January 2, 2015, with Ecolab’s reply due on January 9, 2015;

12 WHEREAS, due to the upcoming holiday season, many of Plaintiffs’ attorneys have  
13 vacations planned during the next two weeks;

14 WHEREAS, the offices of Plaintiffs’ counsel will be closed several days during the next  
15 two weeks;

16 The Parties, through their undersigned representative counsel of record, hereby stipulate  
17 as follows:

18 1. Plaintiffs’ papers in opposition to Defendant Ecolab’s Motion for Decertification  
19 of Conditionally Certified Collective Action shall be due on Tuesday, January 13, 2015.

20 2. Defendant Ecolab’s reply papers in Support of its Motion for Decertification of  
21 Conditionally Certified Collective Action shall be due on Thursday, January 22, 2015.

22 3. The hearing on Ecolab’s Motion to Decertify shall remain on February 13, 2015.

23 IT IS SO STIPULATED.

24  
25 Dated: December 22, 2014

/s/ James M. Finberg  
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KENNETH FORBES, BRIAN O'NEIL,  
FREDERICK SIMON, and all others similarly  
situated

Dated: December 22, 2014

/s/ Jody A. Landry  
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**ORDER**

Pursuant to the Parties' foregoing stipulation, it is hereby ordered as follows:

- 1. Plaintiffs' papers in opposition to Defendant Ecolab's Motion for Decertification of Collectively Certified Collective Action shall be due on Tuesday, January 13, 2015.
- 2. Defendant Ecolab's reply papers in Support of its Motion for Decertification of Collectively Certified Collective Action shall be due on Thursday, January 22, 2015.
- 3. The hearing on Ecolab's Motion to Decertify is reset for February 27, 2015.

**IT IS SO ORDERED.**

Dated: January 6, 2015

