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 Attorneys for Defendant
 ECOLAB, INC.

13 Attorneys for Plaintiffs NICK CANCELLA,
 14 and all others similarly situated
 15 [additional counsel for Plaintiffs on following
 page]

16 UNITED STATES DISTRICT COURT
 17 NORTHERN DISTRICT OF CALIFORNIA

18 NICK CANCELLA, on behalf of himself and)
 19 all others similarly situated,)
 20 Plaintiff,)
 21 v.)
 22 ECOLAB, INC., a corporation,)
 23 Defendant.)

Case No. CV 12-03001 CRB)
)
) **STIPULATION PURSUANT TO FED.**
) **R. CIV. P. 15(a)(2) REGARDING**
) **FILING OF SECOND AMENDED**
) **COMPLAINT AND TAKING**
) **PLAINTIFF'S MOTION FOR LEAVE**
) **TO FILE SECOND AMENDED**
) **COMPLAINT OFF CALENDAR;**
) **SECOND AMENDED COMPLAINT**
)
) Date: n/a
) Time: n/a
) Ctrm.: 6
) Judge: Hon. Charles R. Breyer
)
) **Complaint Filed: June 11, 2012**
) **Trial Date: Not Set**

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Attorneys for Plaintiffs NICK CANCELLA,
and all others similarly situated

**Pro Hac Vice Application Forthcoming*
***Pro Hac Vice Application Pending*

STIPULATION

1
2 Plaintiff NICK CANCILLA (“Plaintiff”) and Defendant ECOLAB INC. (“Ecolab” or
3 “Defendant”), herein referred to collectively as the “Parties,” hereby stipulate, by and through
4 their respective attorneys of record, as follows:

5 WHEREAS, Plaintiff filed his original complaint in the above-captioned matter on June
6 11, 2012, and filed a First Amended Complaint on August 27, 2012 pursuant to the parties’
7 stipulation, solely to correct a technical error in the original complaint;

8 WHEREAS, pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, a party
9 may amend its pleading with the written consent of the opposing party;

10 WHEREAS, the Court has not yet set a deadline for amending the pleadings or adding
11 parties;

12 WHEREAS, Plaintiff proposes to file a Second Amended Complaint, which is attached
13 as Exhibit A to this Stipulation;

14 WHEREAS, Defendant does not object to the filing of Plaintiff’s proposed Second
15 Amended Complaint;

16 WHEREAS, the Parties agree that Defendant shall have twenty (20) days from the date
17 of filing of this Stipulation to file a responsive pleading to the Second Amended Complaint;

18 WHEREAS, the Parties agree that this Stipulation moots Plaintiff’s pending Motion for
19 Leave to File Second Amended Complaint, set for hearing on June 21, 2013;

20 The Parties hereby stipulate as follows:

21 1. Plaintiff may file the proposed Second Amended Complaint, attached hereto as
22 Exhibit A, which shall be deemed filed as of the date of filing of this Stipulation;

23 2. Defendant shall file its responsive pleading to the Second Amended Complaint no
24 later than twenty (20) days from the date of filing of this Stipulation;

25 3. Plaintiff’s Motion for Leave to File Second Amended Complaint, currently set for
26 hearing on June 21, 2013, is rendered moot by this Stipulation and shall be taken off calendar.

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IT IS SO STIPULATED.

Dated: May 31, 2013

/s/ James M. Finberg
JAMES M. FINBERG
ALTSHULER BERZON LLP
Attorneys for Plaintiff
NICK CANCELLA

Dated: May 31, 2013

/s/ Lindsey M. Stevens
JODY A. LANDRY
LINDSEY M. STEVENS
LITTLER MENDELSON, P.C.
Attorneys for Defendant
ECOLAB INC.

June 19, 2013

