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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

DANIEL VILLALPANDO, et al.,  
Plaintiffs,  
v.  
EXEL DIRECT INC., et al.,  
Defendants.

Case No. 12-cv-04137-JCS

**COURT'S PROPOSED NEUTRAL  
STATEMENT OF THE CASE**

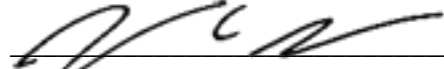
The Court requested that the parties provide a joint neutral statement of the case to read to the jury at the outset of the trial in this action. As the parties were unable to agree, the Court proposes the following neutral statement to be read to the jury:

This is a class action brought on behalf of individuals who have worked as delivery drivers for Exel in California. Exel, the "Defendant," is a company that contracts with various retail establishments to provide home delivery services. These services are provided by Exel's delivery drivers, also called "Plaintiffs" or "Drivers," who deliver merchandise that customers have purchased at the retail establishments to the customers' homes. Earlier in the case, the Court ruled that although Exel classified the Drivers as "independent contractors," the Drivers are actually "employees" under the applicable law. The Drivers contend that Exel denied them their legal rights as employees by failing to reimburse them for out-of-pocket work expenses, failing to pay them overtime, failing to pay them for time spent in morning meetings before making deliveries, and failing to provide off duty meal and rest breaks. The Drivers also claim that Exel has unlawfully deducted money from their wages to cover Exel's own operating costs. Exel denies that it has violated these rights, asserting that it has satisfied its obligations to Plaintiffs as their employer. All of the Drivers who are Plaintiffs

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in this case made at least one home delivery for Exel at some point during the period of June 14, 2009, to January 6, 2015.

Dated: May 26, 2016



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JOSEPH C. SPERO  
Chief Magistrate Judge