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7 Attorneys for Defendant GHILOTTI BROS, INC.

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UNITED STATES DISTRICT COURT  
 NORTHERN DISTRICT OF CALIFORNIA

JOSE RAMIREZ, LUIS GOMEZ, and  
 MARCK MENA ORTEGA on behalf of  
 themselves and all other persons similarly  
 situated,  
  
 Plaintiffs,  
  
 v.  
 GHILOTTI BROS, INC., a corporation; and  
 DOES 1 through 50, inclusive,  
  
 Defendants.

CASE NO. 3:12-cv-04590-CRB

**STIPULATION AND ORDER  
 SHORTENING TIME ON DEFENDANT'S  
 MOTION TO CORRECT OR IN THE  
 ALTERNATIVE TO GRANT RELIEF  
 FROM ORDER GRANTING MOTION FOR  
 FINAL APPROVAL, ATTORNEY'S FEES  
 AND COSTS AND CLASS  
 REPRESENTATIVE INCENTIVE AWARDS  
 AND FINAL JUDGMENT**

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1 WHEREAS on April 21, 2014 the Court issued its Order Granting Motion for Final  
2 Approval, Attorneys' Fees and Costs and Class Representative Incentive Awards (the "Final  
3 Approval Order") (Docket 125);

4 WHEREAS the Final Approval Order stated in relevant part:

5 11. Within 5 calendar days of the date of this Order, GBI is directed to  
6 pay \$118,500.00, directly as follows, and to issue 1099s for each of the  
7 following recipients upon receipt of a W9:

- 8 a. \$15,000 to each of the Class Representatives;
- 9 b. \$10,000 to Simpluris, the Settlement Administrator;
- 10 c. \$60,000 to Class Counsel for out-of-pocket expenses; and
- 11 d. \$3,500 to the California Labor and Workforce Development Agency  
12 as a PAGA penalty.

13 12. Within 30 calendar days of the date of this Order, GBI is directed to  
14 pay \$140,000.00 to Simpluris for distribution to the Class, and one-  
15 third of the amount awarded in attorneys' fees (\$95,000) to Class  
16 Counsel ("Initial Disbursement")

17 (Final Approval Order at 4:20-5:2);

18 WHEREAS pursuant to the Final Approval Order, the first payment must be made by April  
19 26, 2014;

20 WHEREAS Plaintiffs Jose Ramirez, Luis Gomez and Marck Mena Ortega on behalf of  
21 themselves and all other persons similarly situated and Defendant Ghilotti Bros, Inc. (collectively  
22 the "Parties") entered into the Stipulation to Class Action Settlement ("Settlement Agreement") in  
23 September 2013 (*see* Docket 110 at Ex. A);

24 WHEREAS a dispute has arisen regarding the Settlement Agreement's schedule for  
25 settlement payments in light of pleadings filed by the Excluded Supervisors who Defendant contends  
26 filed Objections to the Final Settlement (*e.g.*, Docket 106 and 123);

27 WHEREAS Defendant plans to file its Motion to Correct or in the Alternative to Grant Relief  
28 from the Court's Order Granting Motion for Final Approval, Attorneys' Fees and Costs and Class  
Representative Incentive Awards and Final Judgment ("Motion to Correct") on April 24, 2014,  
which under the Northern District of California Local Rules would result in a hearing date of May  
29, 2014;

1 WHEREAS Defendant contends that the Motion to Correct requires the Court's immediate  
2 attention because the payment schedule in dispute requires payments be made prior to the time for a  
3 hearing on a regularly noticed motion, and Defendant contends that it may be prejudiced by being  
4 ordered to make these payments prior to the Court's ruling on the Motion to Correct;

5 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED by and between the  
6 Parties to the above-captioned action, through their respective counsel, as follows:

7 1. If Defendant's Motion to Correct is filed on April 24, 2014, a hearing may be held on May  
8 6, 2014 if the Court so orders.

9 2. If the Court orders a hearing date of May 6, 2014, Plaintiffs' opposition would be due on  
10 April 29, 2014.

11 3. If the Court orders a hearing date of May 6, 2014, Defendant's reply would be due on May  
12 1, 2014.

13 IT IS SO STIPULATED AND AGREED BY THE PARTIES.

14 DATED: April 24, 2014 ROSEN BIEN GALVAN & GRUNFELD LLP  
15 GAY CROSTHWAIT GRUNFELD  
16 KATHRYN G. MANTOAN  
17 BLAKE THOMPSON  
18 VAN SWEARINGEN  
19 JENNY S. YELIN

20 STEWART & MUSELL, LLP  
21 WENDY E. MUSELL  
22 ELISA J. STEWART

23 By: /s/  
24 GAY CROSTHWAIT GRUNFELD  
25 Attorneys for Plaintiffs JOSE RAMIREZ, LUIS  
26 GOMEZ, and MARCK MENA ORTEGA and  
27 the Plaintiff Class

28 DATED: April 24, 2014 JEFFER, MANGELS, BUTLER & MITCHELL  
LLP  
MICHAEL J. HASSEN  
AN NGUYEN RUDA  
PATRICIA M. DESANTIS

By: /s/  
AN NGUYEN RUDA  
Attorneys for Defendant GHILOTTI BROS.,  
INC.

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**ORDER**

The Court, having reviewed the above Stipulation of the Parties, and good cause appearing, hereby orders as follows:

1. If Defendant’s Motion to Correct or in the Alternative to Grant Relief from the Court's Order Granting Motion for Final Approval, Attorneys; Fees and Costs and Class Representative Incentive Awards and Final Judgment (“Motion to Correct”) is filed on April 24, 2014, a hearing on the motion will be held on May 6, 2014 at 3:00p.m..

2. If the Motion to Correct is filed on April 24, 2014, Plaintiffs’ opposition is due on April 29, 2014.

3. If the Motion to Correct is filed on April 24, 2014, Defendant’s reply is due on May 1, 2014.

IT IS SO ORDERED.

DATED: April 28, 2014

