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Attorneys for Defendants

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN FRANCISCO DIVISION

THOMAS ZABOROWSKI, VANESSA
 BALDINI, KIM DALE, and NANCY
 PADDOCK, on behalf of themselves and
 all others similarly situated,

Plaintiffs,

v.

MHN GOVERNMENT SERVICES, INC.
 and MANAGED HEALTH NETWORK,
 INC.

Defendants.

Case No. 12-CV-05109-SI

**STIPULATION AND ~~[PROPOSED]~~
 ORDER RE ADDITION OF HIETT CLASS
 MEMBERS TO NOTICE**

1 The parties hereby stipulate as follows:

2 WHEREAS, on June 14, 2013, the Court issued its Order re: FLSA Collective Action
3 Notice Documents, directing MHN Government Services, Inc. and Managed Health Network,
4 Inc. (collectively, “MHN”) to produce contact information for all FLSA collective action class
5 members (the “Class List”) by June 21, 2013, and directing Plaintiffs to disseminate the Court-
6 approved notice (the “FLSA Notice”) to all FLSA Class Members by July 12, 2013 (Docket No.
7 99);

8 WHEREAS, on June 10, 2013, the United States District Court for the Western District of
9 Washington issued an Order transferring *Hiett v. MHN Government Services, Inc., Health Net*
10 *Inc. and MHN Services d/b/a MHN Services Corporation, a Washington corporation*,¹ No. 12-cv-
11 05428-BHS (W.D. Wash.) (an FLSA action filed on May 15, 2012, on behalf of a proposed
12 nationwide class of MFLCs that overlaps with the Class in this action) to this District;

13 WHEREAS, the clerk of the *Hiett* court has informed Hiett’s counsel that the court
14 expects to effectuate the transfer the week of June 24, 2013;

15 WHEREAS, the parties agree that *Hiett* should be deemed related to this action per N.D.
16 Cal. Local Rule 3-12(a);

17 WHEREAS, on July 12, 2012 the defendants in *Hiett* filed a motion to compel arbitration
18 based on the same arbitration agreement at issue in this lawsuit, to which Hiett has responded and
19 the *Hiett* defendants have replied, but the *Hiett* court stayed resolution of that motion;

20 WHEREAS, on April 3, 2013, this Court denied MHN’s motion to compel arbitration
21 (Docket No. 68), and that decision is now on appeal in the Ninth Circuit, with MHN’s opening
22 appellate brief due on July 17, 2013;

23 WHEREAS, the parties agree the *Hiett* case should be stayed pending appellate resolution
24 of the arbitration motion in this case;

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28 ¹ Tim Long and Lauri Damrell of Orrick, Herrington & Sutcliffe LLP represent the defendants in *Hiett* and the
defendants in this action.

1 WHEREAS, because *Hiett* was filed approximately five months before this case, the
2 maximum liability period under the FLSA under *Hiett* reaches back approximately five months
3 further than that under this case;

4 WHEREAS, the parties agree to conditional certification of the *Hiett* putative FLSA
5 collective action upon transfer to this Court;

6 WHEREAS, the parties agree that the FLSA notice materials (including the notice itself
7 and the Consent to Join form and additional information sheet) should be disseminated not only to
8 the FLSA Class Members in this case but also to the additional individuals who worked as
9 MFLCs in any location covered by the FLSA under 29 U.S.C. § 213(f) during May 15, 2009 to
10 October 2, 2009 (i.e., the gap period from three years before the filing of *Hiett* to three years
11 before the filing of this case) (the “Gap Class Members”); and

12 WHEREAS, the parties agree that the references to Plaintiffs and their counsel in this case
13 in the notice materials should be amended to include references to the *Hiett* plaintiffs and their
14 counsel.

15 The parties respectfully request the Court enter an order confirming the following:

16 (1) This action and *Hiett* shall be deemed related once *Hiett* is pending in this District,
17 and *Hiett* should be transferred to this Court.

18 (2) The Court shall conditionally certify the *Hiett* FLSA collective action.

19 (3) Following the conditional certification, the *Hiett* case is hereby stayed until
20 MHN’s arbitration motion in this case is resolved, including all appeals. The *Hiett* stay is on the
21 same terms as the stay issued by this Court in this case in its Order Granting Plaintiffs’ Motion to
22 Stay Case Pending Appeal (Docket No. 84).

23 (4) MHN shall produce to Plaintiffs the same contact information for the Gap Class
24 Members as they are producing for the Class Members in this case, in the same format, within
25 three days of the entry of this order.

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1 (5) Plaintiffs are directed to amend the references to Plaintiffs and their counsel in the
2 notice materials to include references to the *Hiett* case and *Hiett's* counsel, and all references to
3 "October 2, 2009" be changed to "May 15, 2009" to reflect the addition of the gap period to the
4 notice.

5 IT IS SO STIPULATED.

6 Dated: June 28, 2013

By: /s/ Allen R. Vaught
Allen R. Vaught

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17 *Attorneys for Plaintiffs and proposed Class members*

18
19 Dated: June 28, 2013

By: /s/ Timothy J. Long
Timothy J. Long

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PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: ~~June~~ 7/2, 2013



The Honorable Susan Illston
United States District Judge