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14 Attorneys for Defendant  
 THE GOODYEAR TIRE & RUBBER COMPANY

16 UNITED STATES DISTRICT COURT  
 17 NORTHERN DISTRICT OF CALIFORNIA

19 TOSHIBA JOHNSON, on behalf of herself  
 and all others similarly situated, and on  
 20 behalf of the general public, and as an  
 "aggrieved employee" under the Labor  
 21 Code Private Attorneys General Act of  
 2004,

22 Plaintiffs,

23 v.

24 THE GOODYEAR TIRE & RUBBER  
 25 COMPANY, an Ohio corporation, and  
 DOES 1 through 10, inclusive,

26 Defendants.

Case No. 3:13-cv-01069-MMC

**JOINT STIPULATION AND ~~PROPOSED~~  
 ORDER REGARDING FILING OF  
 SECOND AMENDED COMPLAINT**

**RECITALS**

1  
2           A.     WHEREAS, TOSHIBA JOHNSON ("Plaintiff ") filed her Original Complaint  
3 in Alameda County Superior Court on February 1, 2013;

4           B.     WHEREAS, Plaintiff filed her First Amended Complaint ("FAC") in  
5 Alameda County Superior Court on February 14, 2013;

6           C.     WHEREAS, on or about March 8, 2013, Defendant removed the action to this  
7 Court;

8           D.     WHEREAS, Defendant answered the First Amended Complaint on March  
9 18, 2013;

10          E.     WHEREAS, on July 18, 2013, the parties participated in a full day mediation  
11 with respected mediator, Michael Dickstein;

12          F.     WHEREAS, following the mediation, the parties continued to work together  
13 on a potential settlement and, ultimately, came to terms on a class-wide settlement;

14          G.     WHEREAS, as part of the proposed settlement, the parties have agreed that  
15 Plaintiff shall file a Second Amended Complaint (SAC) which dismisses claims for violations of  
16 Labor Code § 2802 and Business & Professions Code § 17200. In addition, the SAC includes an  
17 additional claim for violations of Labor Code § 226. The proposed SAC (in redline format to show  
18 the proposed changes) is attached hereto as **Exhibit A**.

19           **THEREFORE**, the parties do STIPULATE AND AGREE as follows;

- 20           1.     Plaintiff's SAC shall be the operative complaint in this matter;
- 21           2.     Plaintiff's SAC shall be deemed filed upon entry of the Order on this  
22 Stipulation; and
- 23           3.     Defendant shall have thirty (30) days to respond to the SAC, to commence  
24 upon entry of this Order.

25           **IT IS SO STIPULATED:**

26  
27  
28

1 Dated: September 20, 2013

2  
3 /s/ Alex P. Katofsky  
4 ALEX P. KATOFSKY  
5 GAINES & GAINES, APLC  
6 Attorneys for Plaintiff TOSHIBA JOHNSON

7 Dated: September 20, 2013

8 /s/ Joshua D. Kienitz  
9 JOSHUA D. KIENITZ  
10 LITTLER MENDELSON, P.C.  
11 Attorneys for Defendant  
12 THE GOODYEAR TIRE & RUBBER COMPANY

13 **ORDER**


14 Upon reading the forgoing Stipulation, and good cause appearing, therefore,

15 IT IS ORDERED THAT

- 16 1. Plaintiff's SAC shall be the operative complaint in this matter;
- 17 2. Plaintiff's SAC shall be deemed filed upon entry of the Order on this  
18 Stipulation; and shall file the SAC no later than September 27, 2013; and
- 19 3. Defendant shall have thirty (30) days to respond to the SAC, to commence  
20 upon entry of this Order.

21 **SO ORDERED.**

22 Dated: September 24, 2013

23   
24 HON. MAXINE M. CHESNEY  
25 United States District Court Judge