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 Plaintiff RORY ARMSTRONG

7
 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA

10 RORY ARMSTRONG, on behalf of himself
 and all others similarly situated,

11
 12 Plaintiff,

13 v.

14 BAUER'S INTELLIGENT
 TRANSPORTATION, INC.; and DOES 1-50,

15 Defendants.
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Civil Case No.: 3:13-cv-02691-MMC

Removed from San Francisco Superior Court,
 Civil Case No.: CGC-13-530147

CLASS ACTION

**STIPULATION AND [PROPOSED]
 ORDER**

18 Plaintiff Rory Armstrong ("Plaintiff") and Defendant Bauer's Intelligent
 19 Transportation, Inc. ("Defendant") through their respective counsel of record hereby stipulate
 20 as follows:

21 WHEREAS, the parties through their respective counsel have met-and-conferred
 22 regarding methods for conserving the resources of the parties and the Court;

23 THEREFORE, the parties hereby stipulate as follows and request that the Court enter
 24 the Proposed Order below:

- 25 1. The overtime claims of Plaintiff's operative complaint (First Amended Collective
 26 and Class Action Complaint, filed May 12, 2013, in Superior Court of the State of
 27 California, County of San Francisco) ("FAC"), both under federal law and state
 28 law, are dismissed with prejudice, and stricken, in exchange for Defendant's

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release of any claim for attorneys' fees and costs on those claims;
2. The parties agree that the Court retains subject matter jurisdiction (federal question) over this lawsuit. Plaintiff's position is that the straight time claims under the Fair Labor Standards Act (FLSA), which are part of the first cause of action and are not dismissed, present a federal question and constitute a sufficient basis for subject matter jurisdiction. Defendant's position, which Plaintiffs do not concede, is that additional federal questions are raised by the applicability of the wage order exemption (*i.e.*, DOT regulation)

Dated: March 19, 2014

THE TIDRICK LAW FIRM
/s/ Steven G. Tidrick
STEVEN G. TIDRICK, SBN 224760
Attorneys for Plaintiffs

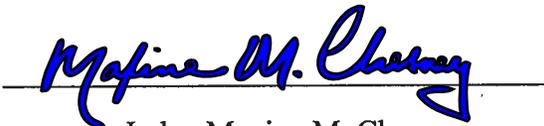
Dated: March 19, 2014

LITTLER MENDELSON, P.C.
/s/ 
ROBERT G. HULTENG, SBN 071293
AURELIO J. PEREZ, SBN 282135
Attorneys for Defendant

~~PROPOSED~~ ORDER

The Parties having stipulated to the foregoing, IT IS SO ORDERED.

Dated: March 24, 2014


Judge Maxine M. Chesney