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15 Attorneys for Defendant Source Refrigeration & HVAC, Inc.

16 **UNITED STATES DISTRICT COURT**
 17
 18 **NORTHERN DISTRICT OF CALIFORNIA**
 19
 20 **SAN FRANCISCO DIVISION**

21 LYLE E. GALEENER, individually and on
 22 behalf of all others similarly situated,

23 Plaintiff,

24 v.

25 SOURCE REFRIGERATION & HVAC, INC.,

26 Defendant.

Case No. 13-cv-04960-VC

STIPULATION AND [PROPOSED]
ORDER RE SETTLEMENT

The Honorable Vince Chhabria
 Courtroom 10; 19th Floor

1 Pursuant to the Parties' Court-Ordered Stipulation dated September 15, 2014 (Docket No.
2 96), Plaintiffs and Defendant Source Refrigeration & HVAC, Inc. ("Source") (collectively, the
3 "Parties") jointly submit this joint status report regarding mediation, which took place as
4 scheduled on November 4, 2014.

5 Plaintiffs (in concert with the plaintiffs in Hamer¹ and Vargas,² who are represented by
6 Plaintiffs' counsel) and Source attended a private mediation before mediator Susan Haldeman on
7 November 4, 2014. In addition, plaintiff in the Meza action³ participated in the mediation. The
8 Parties and Meza engaged in arms-length negotiations over the course of over fourteen hours in
9 an effort to reach a global resolution of Galeener, Hamer, Vargas and Meza (the "Actions").
10 Prior to mediation, the Parties exchanged significant discovery (both formal and informal),
11 mediation briefs, and damages calculations.

12 During the mediation, the Parties reached a global settlement in principle to resolve
13 Galeener, Hamer, and Vargas (the "Galeener settlement"). The Galeener settlement proposes to
14 resolve claims asserted on behalf of Source service technicians nationwide on a class and
15 collective action basis. As part of the Galeener settlement, the Parties have agreed that Hamer
16 and Vargas shall be dismissed without prejudice. Mr. Hamer, Mr. Vargas, and possibly other
17 individuals will become plaintiffs in this instant action by stipulated amendment to the complaint.

18 In addition, Meza and Source reached a settlement in principle to resolve Meza (the "Meza
19 settlement"). The Meza settlement proposes to resolve claims asserted on behalf of Source
20 construction workers (but not service technicians) throughout California on a class action basis.
21 The Meza settlement is therefore on behalf of a discrete group (the construction workers), who
22 are not part of the proposed collective or class in this action.

23 For each settlement, the parties have executed a binding Memorandum of
24 Understanding/Agreement to reflect the agreement in principle, and negotiations of specific terms
25

26 ¹ Hamer v. Source Refrigeration & HVAC, Inc., Case No. 1:14-CV-570-55, before the United States District Court
27 for the Western District of Texas ("Hamer").

28 ² Vargas v. Source Refrigeration & HVAC, Inc., Case No. 2013-CV-32936-00712145-CU-OE-CXC, before the
Colorado District Court (Denver County) ("Vargas").

³ Meza v. Source Refrigeration & HVAC, Inc., Case No. 30-2014, before the California Superior Court (Orange
County) ("Meza").

1 of the settlements are now beginning. Both settlements will be filed in court, in a preliminary
2 approval submission, by December 16, 2014. The Galeener settlement will be presented to this
3 Court; the Meza settlement will be presented to Judge Moss in the Orange County Superior Court.

4 **THEREFORE**, the Parties respectfully request that the Court:

- 5 (1) Take all motion deadlines (including briefing for the Motion to Certify
6 Collective Action) and hearing dates (including the December 11, 2014
7 hearing) off calendar;
- 8 (2) Stay the matter in its entirety; and
- 9 (3) Set a deadline for the filing of the class and collective action settlement
10 preliminary approval motion of December 16, 2014.

11
12 Dated: November 6, 2014

DLA PIPER LLP (US)

13
14 By: /s/ Margaret A. Keane
MARGARET A. KEANE
15 Attorneys for Defendant
SOURCE REFRIGERATION & HVAC,
16 INC.

17 Dated: November 6, 2014

OUTTEN & GOLDEN LLP

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19 By: /s/ Jahan Sagafi
JAHAN SAGAFI
20 Attorneys for Plaintiff and the Putative Class

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ORDER

IT IS HEREBY ORDERED that:

- (1) In light of the Parties' settlement, all motion deadlines and hearing dates are taken off calendar;
- (2) This matter, including discovery, is stayed in its entirety;
- (3) The Parties shall file a motion for class and collective action settlement preliminary approval by January 9, 2015.

IT IS SO ORDERED.

Dated: November ¹², 2014



VINCE CHHABRIA
UNITED STATES DISTRICT JUDGE