

1 Angelique Adams (Pro Hac Vice)
aadams@shipmanlaw.com

2 Gary K. Shipman (Pro Hac Vice)
gshipman@shipmanlaw.com

3 William G. Wright (Pro Hac Vice)
wwright@shipmanlaw.com

4 SHIPMAN & WRIGHT, LLP
5 575 Military Cutoff Rd., Suite 106
6 Wilmington, NC 28405
7 Telephone: (910) 762-1990
8 Facsimile: (910) 762-6752

8 Allen M. Stewart (SBN 262594)
astewart@allenstewart.com
9 Stephanie Brooks Sherman (Pro Hac Vice)
ssherman@allenstewart.com

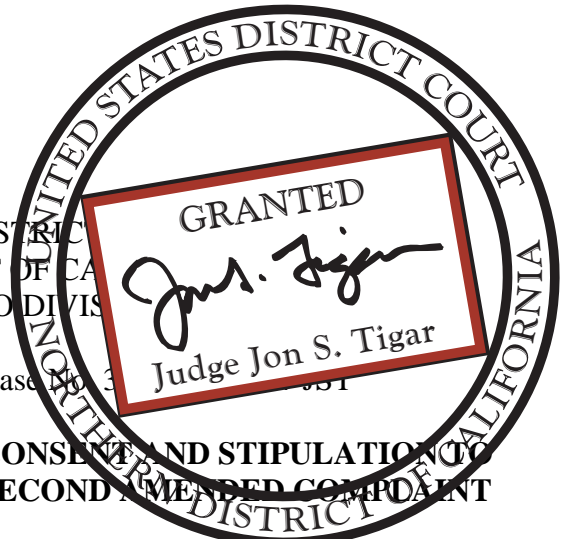
10 Steve Baughman Jensen (Pro Hac Vice)
sjensen@allenstewart.com
11 ALLEN STEWART, P.C.
12 325 N. St. Paul Street, Suite 4000
13 Dallas, Texas 75201
14 Telephone: (214) 965-8700
15 Facsimile: (214)965-8701

15 John Simon (Pro Hac Vice)
jsimon@simonlawpc.com
16 Ryan Keane (Pro Hac Vice)
rkeane@simonlawpc.com
17 SIMON LAW FIRM, P.C.
18 800 Market Street
19 St. Louis, MO 63101
20 Telephone: (314) 241-2929
21 Facsimile: (314) 241-2029

21 Michael McShane (SBN 127944)
mmcshane@auditlaw.com
22 Jonas P. Mann (SBN 263314)
jmann@audetlaw.com
23 AUDET & PARTNERS, LLP
24 221 Main Street, Suite 1460
25 San Francisco, CA 94105
26 Telephone: (415) 568-2555
27 Facsimile: (415) 568-2556

26 ***Attorney for Alvin Todd, et al., and the Proposed Class***
27 ***(Additional Plaintiffs Set Forth Below on Signature Page)***
28

Dated: August 29, 2014



UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MICHAEL DODSON, HENRY THOMPSON, et al., individually and on behalf of all others similarly situated

Plaintiffs,

vs.

TEMPUR-SEALY INTERNATIONAL, INC., formerly known as **TEMPUR-PEDIC INTERNATIONAL, INC.** and **TEMPUR-PEDIC NORTH AMERICA, LLC**

Defendants.

Case No. 3:13-cv-04984-JST
CONSENT AND STIPULATION TO SECOND AMENDED COMPLAINT

Date: September 25, 2014
Time: 2:00 p.m.
Crtrm: 9

Complaint Filed: October 25, 2013
Trial Date: None Set

Pursuant to Rule 15(a) of the Federal Rules of Civil Procedure Defendants consent to the amendment of the Complaint by Plaintiffs, and the Plaintiffs and Defendants stipulate that Plaintiffs may file a Second Amended Complaint.

WHEREAS, Plaintiffs filed a Motion to Amend and Add Plaintiffs on August 14, 2014; and

WHEREAS, Defendants consent to the filing of Plaintiffs' proposed Second Amended Complaint, as attached as Exhibit A to Plaintiffs' Motion to Amend, which will be revised to reflect Defendants' written consent to the same.

WHEREAS, the Parties have agreed that Defendants shall file their responsive pleading or appropriate motion to the Second Amended Complaint on or before September 11, 2014.

1 NOW, THEREFORE, the Parties stipulate as follows: Plaintiffs shall file their Second
2 Amended Complaint with the written consent of the Defendants, and Defendants shall file their
3 responsive pleading or appropriate motion to the Second Amended Complaint on or before
4 September 11, 2014.

5 This the 28th day of August, 2014.

6
7
8 BY: /s/ Daniel J. Gerber
9 Daniel J. Gerber
10 RUMBERGER, KIRK & CALDWELL, P.A.
11 Douglas B. Brown
12 300 South Orange Avenue
Orlando, FL 32802
(407) 872-7300
(407) 841-2133 (fax)

13 CALL & JENSEN
14 A Professional Corporation
15 Mark L. Eisenhut
16 Matthew R. Orr
17 Aaron L. Renfro
610 Newport Center Drive, Suite 700
Newport Beach, CA 92660
(949) 717-3000
(949) 717-3100 (fax)

18
19 *Attorneys for Defendants Tempur-Sealy*
20 *International, Inc., formerly known as Tempur-*
21 *Pedic International, Inc. and Tempur-Pedic North*
22 *America, LLC*
23
24
25
26
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BY: /s/ Angelique Adams
SHIPMAN & WRIGHT
Gary K. Shipman
William G. Wright
Angel Adams
575 Military Cutoff Road, Suite 106
Wilmington, North Carolina 28405
910/762-1990
910/762-6752 (fax)

Allen M. Stewart
ALLEN STEWART, P.C.
Allen M. Stewart (262594)
Steve Baughman Jensen
Stephanie Brooks Sherman
325 N. St. Paul Street, Suite 4000
Dallas, Texas 75201
214/965-8700
214/965-8701 (fax)

SIMON LAW FIRM, P.C.
John Simon
Ryan Keane
800 Market St.
St. Louis, MO 63101
314/241-2929
314/241-2029 (fax)

Attorneys for Plaintiffs and the Proposed Class

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SIGNATURE CERTIFICATION

I hereby certify that the content of this document is acceptable to Daniel Gerber, counsel for Defendants Tempur Sealy International, Inc., formerly known as Tempur-Pedic International, Inc. and Tempur-Pedic North America, LLC and that I have obtained Mr. Gerber’s authorization to affix his electronic signature to this document.

Dated: August 28, 2014.

SHIPMAN & WRIGHT, LLP
Gary K. Shipman
William G. Wright
Angelique Adams

By: /s/ Angelique Adams
Angelique Adams

Attorneys for Plaintiffs Alvin Todd, Robbie Simmons, Tina White, Keith Hawkins, Thomas Comiskey, Louis Pace, Patricia Kaufman, Johnny Martinez, Rosemarie Valdez, Toni Kibbee, Brian Stone and the Proposed Class

CERTIFICATE OF SERVICE

I hereby certify that on August 28, 2014, I electronically filed the foregoing document described as **CONSENT AND STIPULATION TO SECOND AMENDED CLASS ACTION COMPLAINT** with the Clerk of the Court using the CM/ECF System which will send notification of such filing via electronic mail to all counsel of record.

By: /s/ Angelique Adams
Angelique Adams (Pro Hac Vice)
SHIPMAN & WRIGHT, LLP.