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8 Michael Dietrick

9 **UNITED STATES DISTRICT COURT**  
10 **NORTHERN DISTRICT OF CALIFORNIA**

11 MICHAEL DIETRICK, individually and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 SECURITAS SECURITY SERVICES USA,  
16 INC.,

17 Defendant.

18 Case No.: 3:13-cv-05016-JST

19 **STIPULATION AND ~~PROPOSED~~**  
20 **ORDER RE TOLLING OF STATUTE OF**  
21 **LIMITATIONS**

1 Plaintiff Michael Dietrick (“Plaintiff”) and Defendant Securitas Security Services USA, Inc.  
2 (“Securitas”) hereby stipulate and agree as follows:

3 WHEREAS, Plaintiff has filed the present action against Securitas bringing (among others),  
4 claims for alleged violation of the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* (the “FLSA”).

5 WHEREAS, Plaintiff has asserted such claims on behalf of other former or current employees of  
6 Securitas and seeks certification of the case as a collective action under the FLSA;

7 WHEREAS, the parties and their counsel believe that the primary issues of liability in this case  
8 may be resolved by way of an early motion for summary judgment to be filed by Securitas;

9 WHEREAS, Securitas intends to file an early motion for summary judgment that could thus be  
10 dispositive of the primary issues of liability in this case;

11 WHEREAS, the parties and their counsel believe that the outcome of such early motion for  
12 summary judgment could either dispose of Plaintiff’s claims or position the case for potential settlement;

13 WHEREAS, Securitas and its counsel wish to avoid the time, expense and effort that would be  
14 necessary to contest a motion for certification until after a ruling on summary judgment; and

15 WHEREAS, Plaintiff and his counsel wish to avoid potential prejudice to absent parties that may  
16 attend from any delay in seeking conditional certification of this case as a collective action:

17 **IT IS THEREFORE STIPULATED AND AGREED AS FOLLOWS:**

- 18 1. No statute of limitations shall run on any of the claims asserted under the FLSA in this  
19 action, and the same shall be tolled, with respect to Plaintiff and any person(s)  
20 encompassed within any collective action which may be certified (conditionally or  
21 otherwise) in this action.
- 22 2. This tolling period shall run until fourteen (14) days after the Court issues a ruling on the  
23 motion for summary judgment which Securitas intends to file.
- 24 3. So long as Securitas has not yet filed a motion for summary judgment, it may terminate  
25 this tolling period by filing notice with the Court, and the tolling period will terminate  
26 thirty (30) days after such notice is filed and served.

27 Pursuant to Local Rule 5-1(i)(3), the undersigned filer of this document hereby attests that  
28 concurrence in the filing has been obtained from each of the other signatories, which shall serve in lieu

1 of their signatures on the document.

2  
3 IT IS SO STIPULATED.

4 DATED: January 15, 2014

Respectfully submitted,

PROMETHEUS PARTNERS L.L.P.

6  
7 By: /s/ John R. Hurley  
8 John R. Hurley, Esq.  
9 Attorneys for Plaintiff Michael Dietrick

10 DATED: January 15, 2014

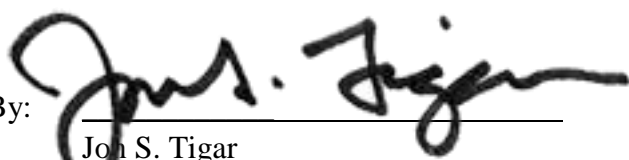
Respectfully submitted,

11 THARPE & HOWELL, LLP

12 By: /s/ Sherry B. Shavit  
13 Sherry B. Shavit, Esq.  
14 Attorneys for Defendant Securitas  
Security Services USA, Inc.

15 PURSUANT TO STIPULATION, IT IS SO ORDERED.

16 DATED: January 15, 2014

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20 By:   
21 John S. Tigar  
22 United States District Court Judge  
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