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 24 incorrectly named as MORPHO DETECTION, INC.

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HAROLD VILLANUEVA, individually and on behalf of all others similarly situated, and the general public,

Plaintiff,

v.

MORPHO DETECTION, INC., and DOES 1 to 10, inclusive,

Defendants.

CASE NO: 13-cv-05390-HSG

CLASS ACTION

JOINT STIPULATION AND ORDER FOR LEAVE TO FILE THIRD AMENDED COMPLAINT

1 Pursuant to Civil Local Rules 7-12 and 10-1 of the United States District Court for the
2 Northern District of California, the Parties to the above entitled action, HAROLD
3 VILLANUEVA (“Plaintiff”) and MORPHO DETECTION, LLC (“Defendant”) (collectively
4 referred to as the “Parties”), by and through their undersigned counsel, enter into the following
5 Stipulation:

6 WHEREAS, Plaintiff seeks to file a Third Amended Complaint (a copy of which is
7 attached as Exhibit A), with the Court;

8 WHEREAS, the Third Amended Complaint differs from the Second Amended Complaint
9 in the following respects:

10 a) Plaintiff adds additional causes of action under California Labor Code §§ 201 *et seq.*,
11 and the Federal Fair Labor Standards Act (FLSA).

12 b) Plaintiff clarifies the class definition.

13 c) Minor spelling and grammatical errors are corrected.

14 WHEREAS, Defendant does not oppose the filing of this proposed Third Amended
15 Complaint.

16 NOW THEREFORE, the Parties stipulate as follows:

17 1. Plaintiff may have leave to file a Third Amended Complaint a copy of which is
18 attached hereto as Exhibit “A.”

19 2. The Third Amended Complaint attached hereto shall be and hereby is deemed
20 filed and served on all Parties as of the date of the Court's Order on this Stipulation.

21 3. Defendant does not need to file a response to Plaintiff s Third Amended
22 Complaint, and Defendant’s Answer to Plaintiff’s Second Amended Complaint shall be deemed
23 to be the response to the Third Amended Complaint.

24 4. The fact that Defendant has stipulated to the foregoing is not intended to be, and
25 should not be construed as, an admission by Defendant that it accepts, concedes, or admits the
26 allegations asserted in the Third Amended Complaint. Despite this Stipulation, Defendant
27 retains all rights and defenses available to it in response to the allegations, claims and matters
28 asserted in the Third Amended Complaint.

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IT IS SO STIPULATED.

DATED: April 13, 2015

MORGAN, LEWIS & BOCKIUS LLC

/s/ Michael Schlemmer
By _____
Melinda Riechert
Michael Schlemmer

Attorneys for Defendant
MORPHO DETECTION, LLC

DATED: April 14, 2015

HOFFMAN EMPLOYMENT LAWYERS

/s/ Leonard Emma
BY _____
Michael Hoffman
Leonard Emma

Attorneys for Plaintiffs
HAROLD VILLANUEVA *et al.*

Attestation

Pursuant to Northern District L.R. 5-1(i)(3) regarding signatures, I, Leonard Emma, attest that concurrence in the filing of this document has been obtained from each of the other signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

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HOFFMAN EMPLOYMENT LAWYERS

DATED: April 14, 2015

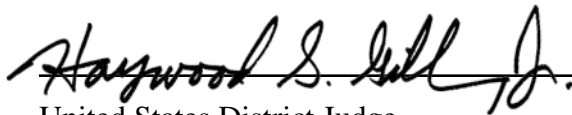
/s/ Leonard Emma
BY _____
Michael Hoffman
Leonard Emma

Attorneys for Plaintiffs
HAROLD VILLANUEVA *et al.*

PURSUANT TO STIPULATION, IT IS ORDERED AS FOLLOWS:

Plaintiff is granted leave to file a Third Amended Complaint. The Third Amended Complaint attached to the Parties' Stipulation for Leave to File a Third Amended Complaint shall be and hereby is deemed filed and served on all Parties as of the date the Court enters the Order granting the JOINT STIPULATION AND [PROPOSED] ORDER FOR LEAVE TO FILE THIRD AMENDED COMPLAINT. Defendant's Answer to Plaintiff's Second Amended Complaint shall be deemed to be the response to the Third Amended Complaint.

Dated: 4/16/2015


United States District Judge